

ALASKA

7146

LEGISLATURE

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COMMITTEE

RESOURCES

FILES

1991-1992

8672

TURNAGAIN ARM MANAGEMENT PLAN

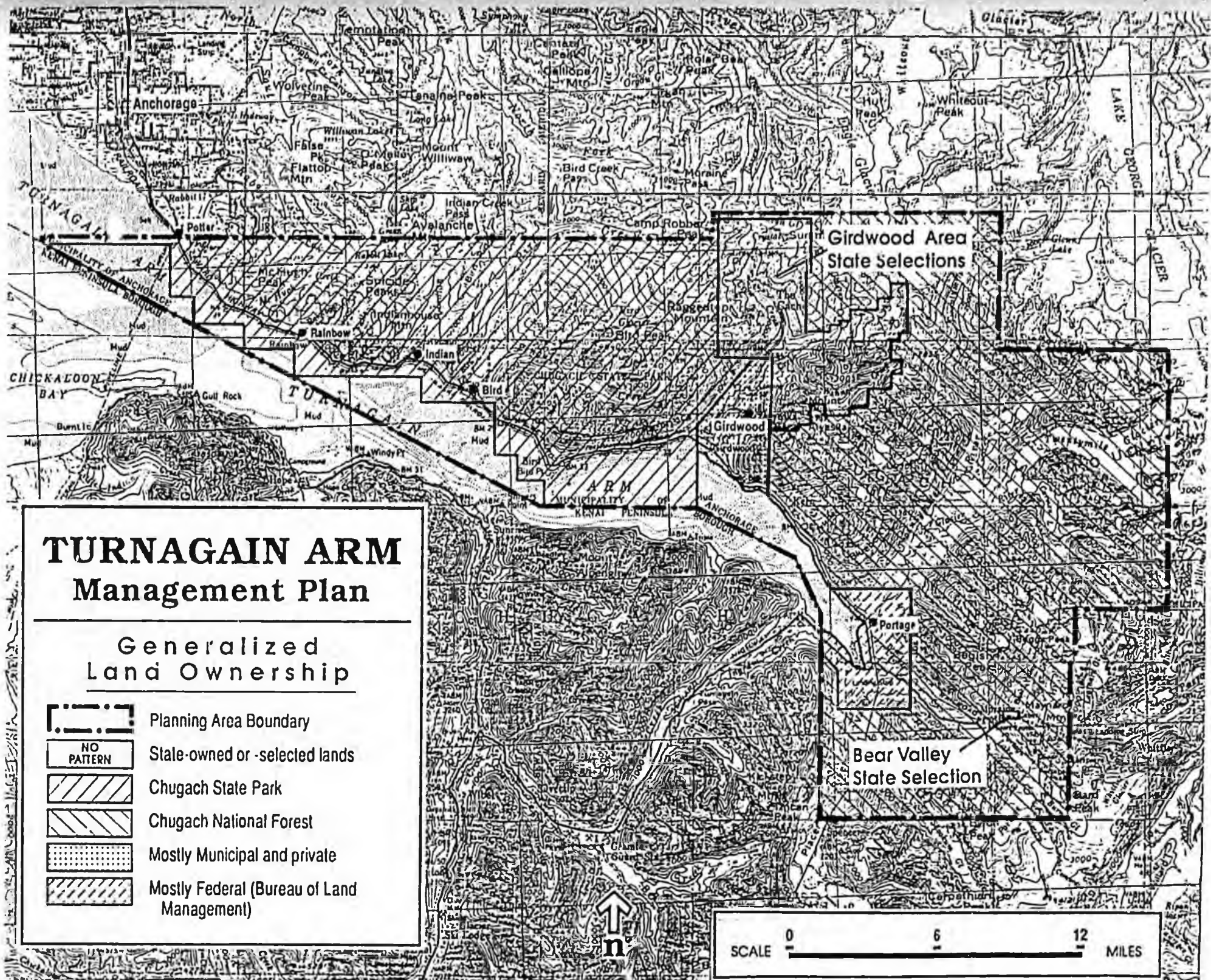
BRIEFING PAPER

January 22, 1992

- DNR is developing a management plan for state-owned and state-selected lands in the Turnagain Arm area. The planning area includes:
 - 23,000 acres of state selected land northeast of Girdwood
 - 320 acres of state-selected land in Bear Valley, near Portage
 - 50,000 acres of tidelands in Turnagain Arm
- One of the most important issues the plan will address is a proposed major new ski resort in the Upper Glacier Creek Valley near Girdwood. To lease land for ski resort development, the plan must first decide if this is an appropriate use of these state lands.
- The Municipality of Anchorage is entitled to 1000 acres from the state selections near Girdwood. They will be updating their plan for this area, and they will work with DNR to develop compatible land management goals.
- The DNR's planning staff will coordinate the process. The plan will be developed by a planning team made up of representatives from state agencies, the Municipality of Anchorage, and the US Forest Service. A citizen's advisory board will make recommendations to the planning team. This board consists of representatives from the following organizations:

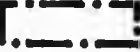





Girdwood Board of Supervisors
Anchorage Municipal Assembly
Municipality of Anchorage Heritage Land Bank
Heritage Land Bank Advisory Commission
Anchorage Planning and Zoning Commission
Anchorage Parks and Recreation Commission

- The process will be coordinated with the Municipality of Anchorage's update of their Turnagain Arm Comprehensive Plan. DNR and MOA will work together to collect data and solicit public involvement. Here is an outline of the process:
 - Data collection has begun, and will continue through the winter of 1992/1993;
 - Public meetings will be held in April 1992. These meetings will introduce people to the planning processes, and will give people a chance to voice their concerns and help identify the major issues the plans should address.
 - Alternative management proposals will be developed and reviewed by the public during the fall of 1992.
 - During the spring and summer of 1993, a draft plan will be developed and reviewed by the public.
 - The final plan will be reviewed and adopted during the winter of 1993.
- If the plan determines that ski resort development is an appropriate use of state lands in the Upper Glacier Creek Valley, the state may solicit proposals for resort development as specified in AS 38.05.073.



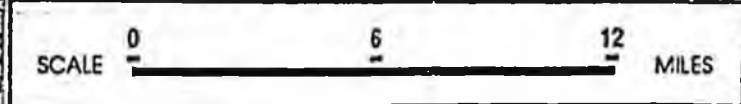
TURNAGAIN ARM Management Plan

Generalized Land Ownership

-  Planning Area Boundary
-  State-owned or -selected lands
-  Chugach State Park
-  Chugach National Forest
-  Mostly Municipal and private
-  Mostly Federal (Bureau of Land Management)

Girdwood Area
State Selections

Bear Valley
State Selection



Kenai Area Plan

Purpose	To decide how to manage state land and tidelands (excluding state park units and critical habitat areas) within the boundaries of the Kenai Peninsula Borough.	
Area	State-owned uplands, excluding leg. desig. (of this, 70,600 acres is boro selected)	1,078,600 acres
	State-selected uplands	410,600 acres
	State-owned tidelands and submerged lands	250,000 acres
	Other state-owned upland (leg. desig.)	1,068,000 acres
	Federal	6,000,000 acres
	Borough or Municipal	105,000 acres
	Native corporations	1,100,000 acres
	Other private	468,500 acres
Schedule	Identify Issues	(Sep 90)
	Data collection and develop alternatives	(current step)
	Public reviews alternatives	(Oct 92)
	Agencies review draft plan	(May 93)
	Public reviews draft plan	(Oct 93)
	Final plan	(May 94)
Participation	Department of Natural Resources: Divisions of Land and Water, Parks, Forestry, Mining, Agriculture, Oil and Gas, and Geological and Geophysical Surveys Department of Fish and Game Department of Transportation and Public Facilities Department of Environmental Conservation Kenai Peninsula Borough.	
	Technical Advisory Committee (tentative): U.S. Forest Service, U.S. Fish and Wildlife Service, U.S. National Park Service; Bureau of Land Management; Cook Inlet Region, Inc.; Chugach Alaska Corporation; six village corporations or associations; six incorporated communities; five community planning groups.	
	General Public: two or three rounds of public meetings, meetings with interest groups, newsletters, letters and phone calls.	
Major Issues	Should state land be offered for residential and agricultural settlement? Should state land be available for additional grazing leases? Should small parcels of state land be consolidated and offered for sale or exchange? Which tideland uses should be accommodated (such as floating facilities)? How can public access to recreation areas be improved? How should trespass cabins in Deep Creek and Caribou Hills be managed in the long run? How should high public use areas, such as access sites to rivers, be managed? What is the best allocation of forest resources between timber harvests and recreation/habitat?	
Contact	Yvonne Wu-Goldsmith Alaska Department of Natural Resources, Division of Land PO Box 107005, 3601 C St., Suite 1122 Anchorage, AK 99510 phone: 762-2660	

Caribou Hills Management Plan

Purpose To determine management intent for Caribou Hills on the Kenai Peninsula.

Area State-owned land 66,000 acres

Schedule

Identify issues	August 90 - October 90
Resource Inventory	October 91 - February 92
Develop Alternatives	March 92 - May 92
Public Review	May 92 - July 92
Write Draft Plan	August 92
.945 Public Review	September 92
Adopt Final Plan	September 30

Participation

Interagency Planning Team:
Department of Natural Resources: Divisions of Land, Water, Parks, Forestry, Mining, Agriculture, Oil and Gas, and Geological and Geophysical Surveys
Department of Fish and Game
Department of Transportation and Public Facilities
Department of Community and Regional Affairs
Department of Environmental Conservation

Citizens' Advisory Committee:
Five members from Homer, six members from Kenai/Soldotna, and five members from Ninilchik meet every three to four weeks

General Public: two rounds of public meetings, monthly newsletters, questionnaires, letters and phone calls

Major Issues Are additional remote cabins (beyond the 74 permitted through the 1985 Personal Use Cabin Program) appropriate for Caribou Hills? If yes, where and how many?

Are there existing or potential conflicts between public use and protecting resource values such as wildlife habitat?

Are there trails that require a higher level of management such as reserving rights-of-way?

Contact Yvonne Wu Goldsmith, Project Manager
AK Department of Natural Resources, Division of Land
3601 C street, Suite 1122
Anchorage, AK 99504 phone: 762-2660



KUSKOKWIM AREA PLAN

Purposes	Determine which lands are retained in state ownership and which are offered for sale Establish guidelines to ensure that multiple uses occur compatibly Determine areas available for surface leasing, mineral entry and leasehold location
Area	23 million acres of land in the middle and upper Kuskokwim Basin including 14.3 million acres of state-owned land and 1.7 million acres of state-selected land
Status	Adopted by commissioners of Natural Resources (March 1988) and Fish and Game (May 1988)
Participants	<u>Planning team and advisory board</u> DNR divisions Agriculture, Forestry, Land, Mining, Oil and Gas, and Parks and Outdoor Recreation Alaska Departments of Fish and Game, Community and Regional Affairs, Environmental Conservation, and Transportation and Public Facilities Bureau of Land Management Calista Corporation Doyon, Limited Kuskokwim Corporation Kuskokwim Native Association MTNT, Limited Tanana Chiefs Conference Upper Kuskokwim Regional Strategies Committee <u>General Public</u> Three rounds of meetings were held in the eleven communities within the planning area -- from Aniak to Telida -- and in Bethel, Lake Minchumina, and Anchorage. Comments were also accepted throughout the process in writing or by phone. The public was welcome at planning team and advisory board meetings.
Major provisions of the plan	<u>The Kuskokwim Area Plan</u> <ul style="list-style-type: none">• Retains most land in state ownership for public uses, including trapping, hunting, fishing, wood harvesting for personal and commercial use, travel overland and on rivers, and recreation• Establishes a pool of 14 areas (34,000 acres) that may be offered for sale• Identifies 11 areas where a total of 230 remote cabin permits may be allowed• Sets guidelines for siting trapping cabins and commercial recreation leases• Keeps 97% of state land open to new mineral entry, 2% of the area may be closed to mining if land is offered for sale; closes 3,900 acres with important sheefish and salmon spawning areas in the southern part of the planning area to new mineral entry; requires leasehold location on 18,000 acres along salmon spawning and rearing streams• Sets guidelines for gravel extraction from the Kuskokwim River• Recommends legislative designation of land along the Holitna and Hoholitna rivers as a Public Use Area to be managed primarily for fish and wildlife habitat and forestry• Recommends state selection of 14 areas totalling 450,000 acres; recommends relinquishment of three areas totalling 52,000 acres

JUNEAU STATE LAND PLAN

Purpose	To decide how to manage state lands in the City and Borough of Juneau and the area proposed to be annexed to the borough around Greens Creek mine.								
Area	<table><tr><td>State-owned uplands</td><td>12,000</td></tr><tr><td>State-selected uplands</td><td>14,000</td></tr><tr><td>State-owned tidelands and submerged lands</td><td><u>400,000</u></td></tr><tr><td>Total Acreage</td><td>426,000</td></tr></table>	State-owned uplands	12,000	State-selected uplands	14,000	State-owned tidelands and submerged lands	<u>400,000</u>	Total Acreage	426,000
State-owned uplands	12,000								
State-selected uplands	14,000								
State-owned tidelands and submerged lands	<u>400,000</u>								
Total Acreage	426,000								
Schedule	<p>Identify state land and resources (<i>summer-fall 1991</i>) Review existing state, federal, and CBJ plans (<i>fall 1991</i>) Identify potentially affected interests (<i>winter 1992</i>) Develop a draft plan for public and agency review (<i>spring 1992</i>) Revise draft plan (<i>summer 1992</i>) Final plan adopted (<i>fall 1992</i>)</p>								
Participation	<p>Planning team: representatives from the Dept. of Natural Resources divisions of: Land, Water, Parks, Forestry, and Mining; Dept. of Fish and Game; Dept. of Transportation and Public Facilities; Dept. of Environmental Conservation; City and Borough of Juneau; U.S. Forest Service; U.S. Fish and Wildlife Service; and National Marine Fisheries Service.</p> <p>General public: one round of public meetings, one public comment period, newsletters, brochures, letters, meetings with interest groups, and phone calls.</p> <p>Interest groups and organizations: receive additional mailings including planning team meeting notes and additional updates on plan progress.</p>								
Major Issues	<p>Most issues focus on the uses of state-owned tidelands adjacent to lands that are in non-state ownership.</p> <p>High recreation, fish and game, mining, and industrial development potential values that overlap in several areas.</p> <p>Major projects occurring on state lands include support facilities and access for the AJ mine, Kensington mine, Douglas Island port, and transportation routes up Taku River and Lynn Canal</p> <p>Other projects include fill near the mouth of Salmon Creek (tideland fill) and Indian Cove (proposed dock)</p> <p>Planning process was streamlined to take advantage of the extensive database and land use plans developed by the City and Borough of Juneau. Alternatives for use of other state lands are constrained due to the limited amount of uplands, existing CBJ plans and ordinances, and the coastal management program.</p>								
Current step	<p>Refining maps on resources and uses in the area Preparing for planning team meetings to develop the agency review draft plan</p>								



ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LAND & WATER • LAND & RESOURCES SECTION
400 WILLOUGHBY AVENUE SUITE 400 • JUNEAU, ALASKA 99801 • (907)465-3400
FAX 586-2954 • PROF. NRSCRAJ • MAILSTOP 1000



CENTRAL SOUTHEAST ALASKA AREA PLAN

Purpose

The area plan will decide how to manage state lands stretching from the Cleveland Peninsula north of Ketchikan to Cape Fanshaw north of Petersburg. Etolin, Wrangell, Zarembo, Mitkof, Kupreanof, and Kuiu Islands are all within the plan's boundaries. The communities in the planning area are Meyers Chuck, Wrangell, Petersburg, Kupreanof, and Kake.

State lands in the planning area contain a multitude of vital resources - timber, minerals, fish and wildlife, and water. State lands also provide a land base for residential, commercial, and industrial activities. The demands on state lands are especially intense in southeast Alaska where most other lands are part of the Tongass National Forest.

Because state lands must meet so many different needs, conflicts can and do arise. This area plan is the tool the Department of Natural Resources will use to identify conflicts and devise management strategy to avoid or resolve these conflicts. The plan will enable the people who live in and use the planning area to help DNR decide how these state lands should be managed.

Area

The area plan covers about 70,000 acres of state uplands and more than one million acres of tidelands and submerged lands.

Schedule

This plan is on hold with staff reassigned to work on the Yakataga and Juneau Area Plans. Data gathering for resources and uses in the planning area has been started and continues on a time-available basis. The schedule to resume the project will be evaluated when the Juneau State Land Plan is completed.

Participation Planning Team representatives from:

Dept. of Natural Resources - Land, Water, Parks & Outdoor Recreation, Forestry, Geological & Geophysical Survey, Mining	Department of Environmental Conservation
Department of Fish & Game	Department of Community & Regional Affairs
Dept. of Commerce & Econ. Development	U.S. Forest Service
Dept. of Trans. & Public Facilities	National Marine Fisheries Service
U.S. Fish & Wildlife Service	
Sealaska Corporation	
Communities - Meyers Chuck, Wrangell, Petersburg, Kupreanof, Kake	

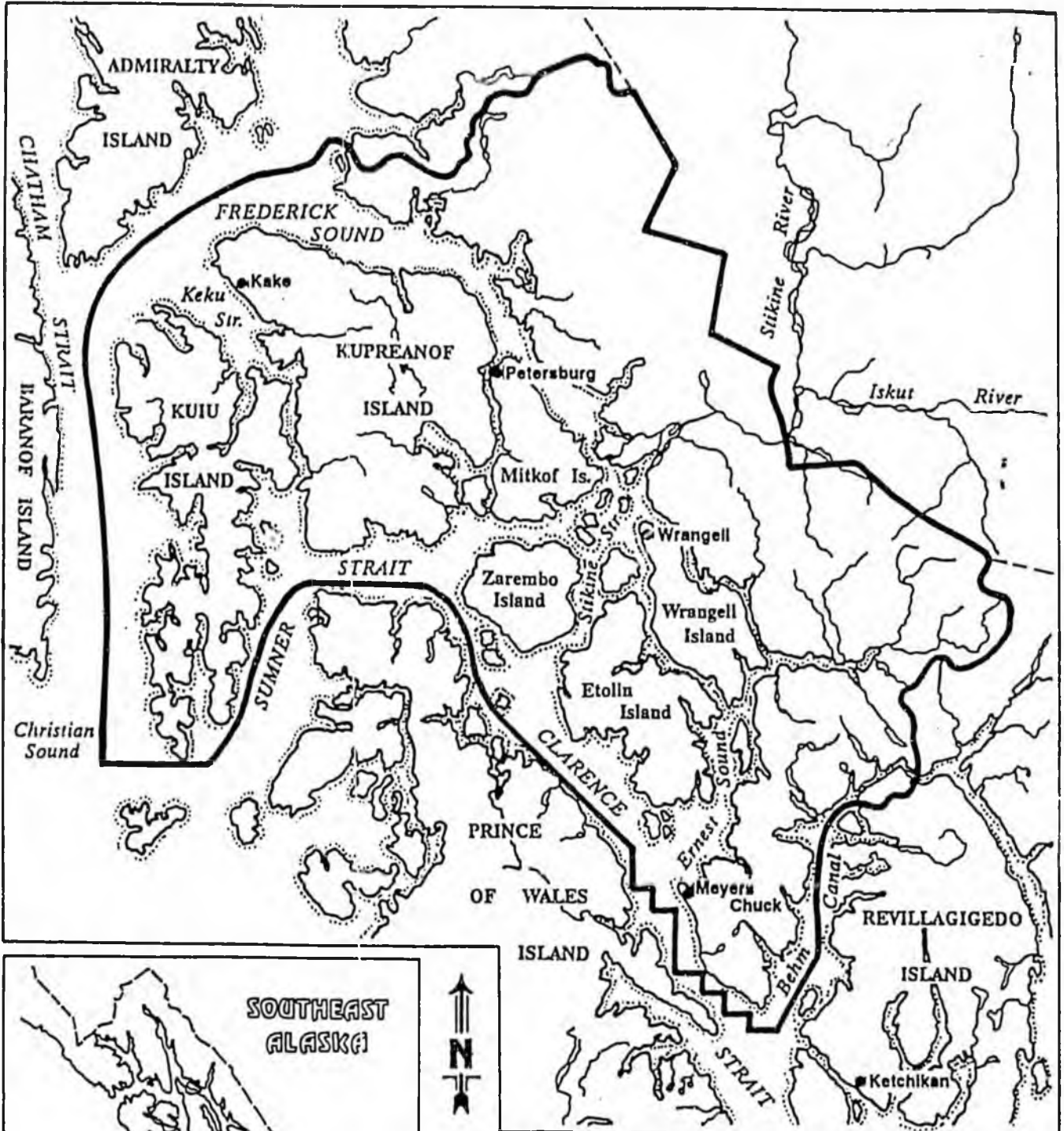
Major Issues Some of the types of preliminary planning issues identified are:

- . Aquatic Farming - Appropriate sites
- . Fish & Wildlife - Habitat, commercial harvest uses, personal use
- . Floating Facilities - Floathomes, floating commercial lodges, floatcamps
- . Forestry - Commercial timber harvest support facilities, personal use areas
- . Recreation - Management of various areas, anchorages, access, trails
- . Settlement - Land disposals (where, how, and when)
- . Subsurface Resources - Mining access, gravel extraction
- . Trans-boundary - Access and other issues involving Canada

Contact Dec Koester, Project Manager
At the above address

CENTRAL SOUTHEAST

AREA PLAN BOUNDARY



LOCATION MAP



YAKATAGA AREA PLAN

Purposes

A) To resolve timberland conflicts through a fair and open planning process. The state has been sued several times over timber management decisions for the Yakataga area. Until this plan is complete, a legislative moratorium prevents additional state timber sales in the Yakataga area.

B) To consider, at the request of the legislature, expanding the Yakataga State Game Refuge, which was recently created because of habitat losses and diminished mountain goat populations.

C) To recommend potential state selections from BLM lands, based on resource information gathered for planning decisions.

D) In general, to designate long-term uses for state uplands and tidelands from Cape Suckling to Dry Bay that will afford the maximum benefit for the people of Alaska. Coastal planning through this plan can address issues left unattended by lack of a local coastal management plan.

Participation

This plan is emphasizing meaningful public participation and an open decision process to regain the public's trust, litigants' consent, and interagency cooperation. Past timber management in the Yakataga area has created hostility, distrust, and litigation challenging state land management.

The planning team includes appropriate divisions of the Alaska Departments of: Natural Resources, Fish and Game, Environmental Conservation, Transportation and Public Facilities, Community and Regional Affairs, and Commerce and Economic Development. Designated community and regional advisers are: U.S. Fish and Wildlife Service, National Marine Fisheries Service, U.S. Forest Service, National Park Service, Bureau of Land Management, Chugach Alaska Corporation, Sealaska Corporation, village corporations, the Cities of Yakutat, Cordova, Seward, and Wrangell, the University of Alaska, and Mental Health Trust Authority. Interest groups are also participating actively.

Land ownership

The state owns over 320,000 acres of uplands and approximately 800,000 acres of tidelands and submerged lands in the planning area.

Major Issues

Opportunities for timber harvest; commercial, sport and subsistence fishing and hunting; tourism; habitat protection; future access; and public recreation opportunities.

Schedule

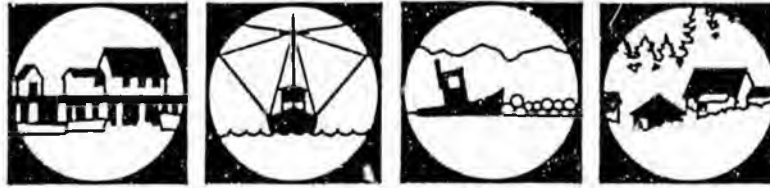
Identify issues and collect data	spring-fall 1991
Develop management alternatives	winter 1992
Public reviews alternatives	spring 1992
Draft plan for agency review	summer 1992
Revise draft plan for public review	fall 1992
Produce final plan	spring 1993

Contact

Nancy Pease or Chas Dense
AK Dept. of Natural Resources
Division of Land
400 Willoughby Ave., Suite 400
Juneau, AK 99801
phone: 465-3400



PRINCE OF WALES ISLAND AREA PLAN



PRINCE OF WALES ISLAND AREA PLAN SOUTHWEST PRINCE OF WALES ISLAND AREA PLAN

Purpose

Southwest Prince of Wales Island Area Plan

The Southwest Prince of Wales Island Area Plan (SWPOW) was developed to determine how state lands would be managed on southwest Prince of Wales Island (POW). The original plan dealt primarily with management concerns on state tidelands and submerged lands.

The (SWPOW) plan was updated to include uplands selected from the National Forest as part of the planning process for the rest of Prince of Wales Island.

Prince of Wales Island Area Plan

The plan addressed a variety of management concerns including providing for timber harvest support facilities, providing for access points to mineral development areas, protecting important fish and wildlife habitat and harvest areas, determining potential land disposal areas, and identifying state lands suitable to be managed for recreation.

The plan identified and determined management for more than 36,500 acres of new land selections from the National Forest in the area covered by both POW plans.

Area

The Southwest Prince of Wales Island Area Plan includes about 8,000 acres of state uplands, but also nearly one million acres of tidelands and submerged lands. The planning area covered western Prince of Wales Island from just north of Klawock to the southern end of the island and included the nearby islands.

The Prince of Wales Island Area Plan determined management for more than 35,000 acres of previously selected state uplands and one million acres of tidelands and submerged lands. The planning area covered the remainder of Prince of Wales Island and the surrounding islands.

Status

Southwest Prince of Wales Island Area Plan was originally adopted in 1985, was amended in December of 1988, and reprinted in 1990.

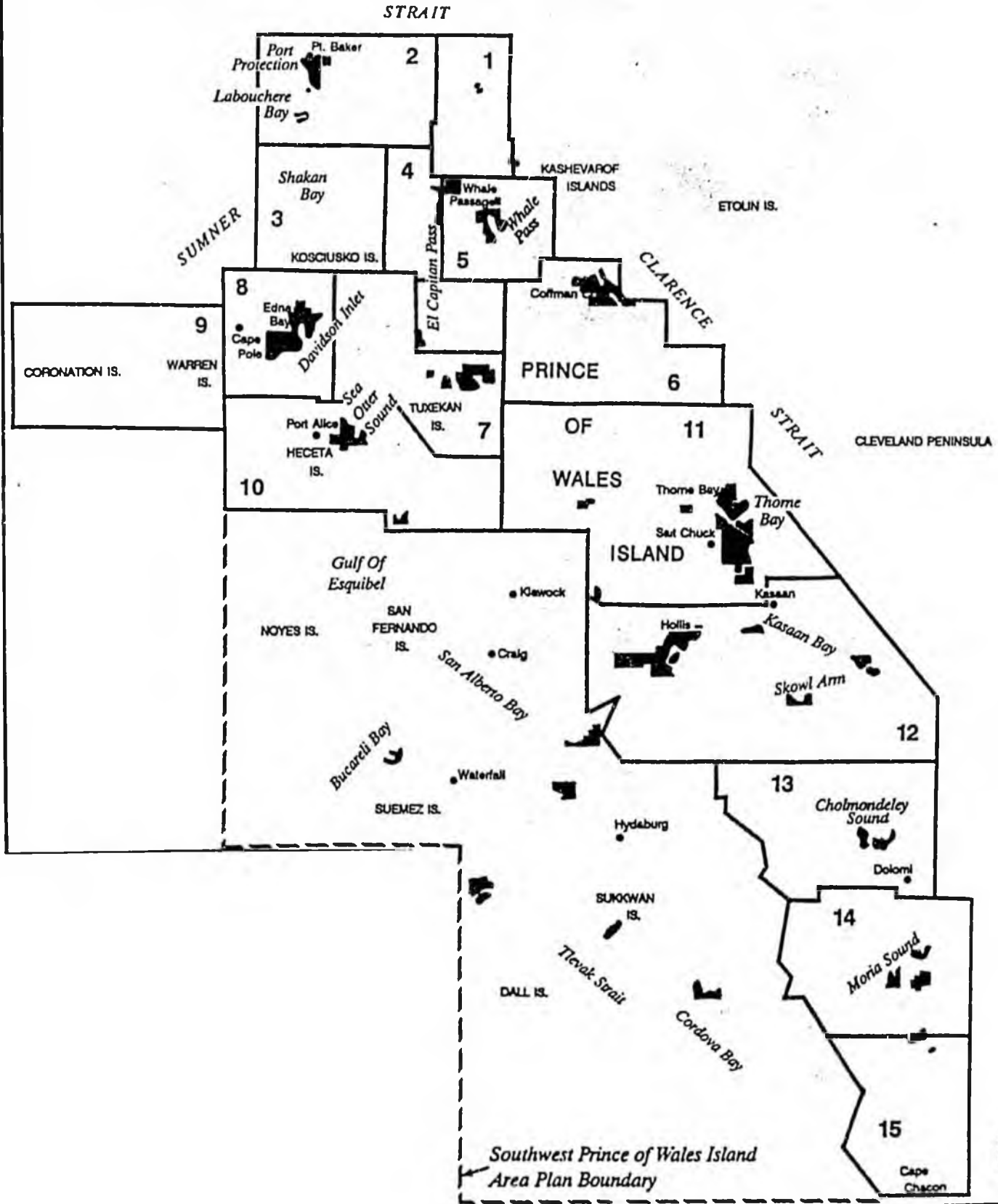
The Prince of Wales Island Area Plan was adopted in December of 1988.

Participation

The Planning Teams for both POW plans included appropriate state and federal agencies, local government representatives, and the regional and village Native corporations. The Prince of Wales Island Area Plan also involved community representatives from each of the unincorporated communities in the planning area.



Prince of Wales Island Area Plan



Soil/Water
Conservation
Handouts.

2-12-91

ALASKA SOIL AND WATER CONSERVATION DISTRICTS

The soil and water conservation districts in Alaska receive funding for conservation projects from a wide variety of state and federal sources. As authorized by state statute, soil and water conservation districts may enter into agreements and accept contributions in money, services, materials, or equipment from federal, state, or any other source. The following is a list of funds used for projects in Alaska which have been made available through the conservation districts.

<u>Source of Funding</u>	<u>District</u>	<u>Purpose</u>	<u>Amount</u>
*US Soil Conservation Service	All	Soil surveys Conservation plans	\$1,900,000
*Agricultural Stabilization & Conservation Service	Delta, Wasilla, Palmer, Fairbanks SWCDs	Farmland conservation	644,200
US Navy	Alaska District	Soils & range survey	75,000
US Fish & Wildlife Service	Alaska District	Soils & range survey	15,000
Bureau of Indian Affairs	Alaska District	Range survey	25,000
*National Weather Service/ National Park Service/SCS/ BLM, etc.	All	Snow surveys	30,000
US Forest Service	Upper Susitna SWCD	Forestry inventory	20,000
US Army	Palmer SWCD	Erosion control	16,000
Environmental Protection	Salcha/Big Delta SWCD	Hydrologic study/ Agency water erosion	47,000
EPA	All	Non-point source water pollution program	95,000

*Allotted annually, sum varies from year to year.

ALASKA SOIL AND WATER CONSERVATION

DIRECTORY

FEBRUARY 1991



**STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
SOIL AND WATER CONSERVATION BOARD**

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES

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Harold Heinze Commissioner

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SOIL AND WATER CONSERVATION BOARD

PO Box 949
Palmer, Alaska 99645

Susan Brook, Chr	(6/93)	Po Box 93	Gustavus, AK 99826	697-2348
Norman Cosgrove	(6/92)	PO Box 861	Delta Jct, AK 99737	895-4578
Lawrence Davis	(6/91)	PO Box 172	Nome, AK 99762	443-2393
DeWitt Fields	(6/92)	PO Box 25	Kodiak, AK 99615	486-3949
Debra Call	(6/93)	PO Box 770642	Eagle Rvr. AK 99577	274-5400
Harold Heinze		ex-officio member		
Frank Mielke		ex-officio member	PO Box 949	745-7200
			Palmer, AK 99645	
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			Palmer, AK 99645	(745-SWCB)

DIVISION OF AGRICULTURE

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Frank Mielke, Director

SOIL AND WATER CONSERVATION DISTRICT SUPERVISORS

FAIRBANKS SOIL AND WATER CONSERVATION DISTRICT

Henry Gettinger, Chrmn	(91)	1170 Chena Hot Springs	Fairbanks, AK 99712	(457-7166)
Don McKee	(91)	6128 Chena Hot Springs	Fairbanks, AK 99712	(488-6676)
Lucy Knoll	(93)	16983 No Name Lane	Fairbanks, AK 99712	(488-9036)
Edwin Bostrom	(92)	Box 56822	North Pole, AK 99705	(488-3940)
Jerry Young	(93)	1275 Summit Dr.	Fairbanks, AK 99712	(457-2025)
Olaf Larson	Alt	3619 Chena Hot Springs	Fairbanks, AK 99712	(488-2261)
Charles Goff	Alt	Box 10296	Fairbanks, AK 99710	(488-9094)

HOMER SOIL AND WATER CONSERVATION DISTRICT

Shirley Schollenburg, Ch	(92)	SR Box 250	Anchor Point, AK 99556	(567-3467)
Joe Hollister	(91)	HCR 58335 East End Road	Homer, AK 99603	(235-7850)
Chris Rainwater	(91)	47010 Kunz Road	Homer, AK 99603	(235-6278)
Pete Roberts	(93)	PO Box 1134	Homer, AK 99603	(235-7305)
Al Poindexter	(93)	4267 Shirley Court	Homer, AK 99603	(235-8320)
Steve Gibson	Alt	HCR 47760 Falls Creek	Homer, AK 99603	(235-6487)
Jim Van Oss	Alt	HCR 48750 East End Road	Homer, AK 99603	(235-7591)

KENAI SOIL AND WATER CONSERVATION DISTRICT

Bill Ward, Chrmn	(92)	PO Box 356	Soldotna, AK 99669	(262-5135)
Abby Ala	(92)	FO Box 1863	Soldotna, AK 99669	(262-4616)
Billie Hardy	(90)	PO Box 3115	Kenai, AK 99611	(262-9881)
Calvin Mott	(90)	PO Box 1065	Soldotna, AK 99669	(262-6208)
Mike Swan	(91)	PO Box 987	Soldotna, AK 99669	(262-1014)
Marcia Ward	Alt	PO Box 356	Soldotna, AK 99669	(262-5135)

KENNY LAKE SOIL AND WATER CONSERVATION DISTRICT

Marleen Roig, Chrmn	(91)	HC60 Box 274	Copper Center, AK 99573	(822-3731)
E.J. Nashland	(91)	HC60 Box 271	Copper Center, AK 99573	(822-3602)
Adina Knutson	(91)	Chitina Post Office	Chitina, AK 99566	(823-2225)
Sam Lightwood	(93)	HC60 Box 229	Copper Center, AK 99573	(822-3927)
Marleen Winger	(91)	HC60 Box	Copper Center, AK 99573	
Bruce Cain	Alt	HC60 Box 303	Glen Allen, AK 99573	(822-5802)
Louis Patterson	Alt	HC60 Box 273	Copper Center, AK 99573	(822-3342)
Roxanne Mays	Alt	HC60 Box 303	Copper Center, AK 99573	(822-5258)

KODIAK SOIL AND WATER CONSERVATION DISTRICT

Jim Burton, Chrmn	(93)	PO Box 1805	Kodiak, AK 99615	(486-6202)
Bill Burton	(92)	PO Box 1608	Kodiak, AK 99615	(487-2436)
Charles Dorman	(93)	524 Willow	Kodiak, AK 99615	(486-5395)
Omar Stratman	(91)	PO Box 2376	Kodiak, AK 99615	(486-5578)
Barbara Zimmerman	(91)	PO Box 1157	Kodiak, AK 99615	(486-4497)
DeWitt Fields	Alt	PO Box 25	Kodiak, AK 99615	(486-3949)

() term expires 12/31

DISTRICT SUPERVISORS (continued)

PALMER SOIL AND WATER CONSERVATION DISTRICT

Tracy Moffitt, Chrmn	(92)	PO Box 3337	Palmer, AK 99645	(745-2993)
Wayne Bouwens	(92)	PO Box 1274	Palmer, AK 99645	(745-3681)
Ray DePriest	(93)	HC04 Box 9735	Palmer, AK 99645	(745-3927)
Wick Sunderland	(91)	HC04 Box 9260	Palmer, AK 99645	(745-6276)
Myrtle Moline	(93)	PO Box 3572	Palmer, AK 99645	(745-7767)
Bill Long	Alt	PO Box 1831	Palmer, AK 99645	(745-5948)

SALCHA-BIG DELTA SOIL AND WATER CONSERVATION DISTRICT

Mike Carlson, Chrmn	(92)	PO Box 953	Delta Junction, AK 99737	(895-4819)
Wayne (Mark) Carpenter	(92)	PO Box 765	Delta Junction, AK 99737	(895-4071)
Scott Miller	(91)	2072 Tanana Lp Ex	Delta Junction, AK 99737	(895-4073)
Scott Schultz	(90)	1403.5 Alaska Hwy	Delta Junction, AK 99737	(895-4865)
Doug Grant	(93)	PO Box 455	Eielson, AK 99702	(488-4032)
Charles Forck	Alt	PO Box 929	Delta Junction, AK 99737	(895-4533)
Bill Ridder	Alt	PO Box 432	Delta Junction, AK 99737	(895-4952)
Keith Price	Alt	PO Box 140019	Salcha, AK 99714	(488-2925)

UPPER SUSITNA SOIL AND WATER CONSERVATION DISTRICT

Art Petersen, Chrmn	(93)	HC89 Box 562	Willow, AK 99688	(733-2372)
Glen Adams	(91)	HC89 Box 8240	Talkeetna, AK 99676	(733-2779)
Sandra Coffey	(91)	SRA Box 560X	Willow, AK 99688	(733-2813)
Bonnie Strong	(92)	PO Box 13072	Trapper Creek, AK 99683	
Bobby Watkins	(93)	PO Box 13129	Trapper Creek, AK 99683	(733-2410)
Kurt Devon	Alt	PO Box 13001	Trapper Creek, AK 99683	(733-2589)
Alan Kingsbury	Alt	HC89 Box 8100	Willow, AK 99688	
Phil Thompson	Alt	SR Box 37	Willow, AK 99688	

WASILLA SOIL AND WATER CONSERVATION DISTRICT

Dick Zobel, Chrmn	(92)	PO Box 872288	Wasilla, AK 99687	(376-5640)
Ted Berry	(93)	PO Box 871990	Wasilla, AK 99687	(745-9752)
John Nystrom	(91)	831 Gambell Street	Anchorage, AK 99501	(272-4717)
Harvey Baskin	Alt	630 Lori Drive	Anchorage, AK 99504	(333-1938)

() term expires 12/31

US DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

ALASKA STATE OFFICE phone (907) 271-2424
201 E 9th Avenue, Suite 300 fax (907) 278-0768
Anchorage, Alaska 99501-3687
State Conservationist Burton Clifford
Assistant Conservationist Bill Daley

SCS FIELD OFFICES

ANCHORAGE Serves: Alaska SWCD, Municipality of Anchorage
201 E 9th Avenue, Suite 300 phone (907) 271-2424
Anchorage, Alaska 99501-3687
District Conservationist Doug Witte
Soil Conservationist Hunter Michelbrink
phone (907) 443-2041
PO Box 1770, Nome, 99762
Soil Scientist Joe White

DELTA Serves: Salcha-Big Delta SWCD
PO Box 547 phone (907) 895-4241
Delta Junction, Alaska 99737
District Conservationist Gary Champlin
Soil Conservationist David Arnegard

FAIRBANKS Serves: Fairbanks SWCD
1760 Westwood Way phone (907) 479-6767
Fairbanks, Alaska 99701
District Conservationist Ann Rippy
Soil Scientist David Swanson

HOMER Serves: Homer SWCD, Kenai-Kasilof SWCD, Kodiak SWCD
PO Box 400 phone (907) 235-8177
Homer, Alaska 99603 fax (907) 235-2364
District Conservationist Mark Kinney
Soil Conservationist Devony Lehner
Soil Scientist Doug Van Patten

PALMER
Serves: Kenny Lake, Palmer, Upper Susitna, Wasilla SWCDs
268 E. Fireweed, Suite 3 phone (907) 745-4274
Palmer, Alaska 99645
District Conservationist Calvin Steele
Soil Conservationist Debra Swanson
Soil Scientist Mark Clark

SOIL & WATER CONSERVATION DISTRICTS

Schedule of Monthly Meetings

SALCHA-BIG DELTA	First Thursday of every month
FAIRBANKS	Second Monday of every month
KENAI-KASLOF	Third Thursday of every month
WASILLA	Last Wednesday of every month
KENNY LAKE	First Thursday of every month
PALMER	Second Wednesday of every month
HOMER	Second Thursday of every month
UPPER SUSITNA	Third Monday of every month
KODIAK	Meets every other month

KODIAK--AASWCD Fall Meeting, 1991



STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

SOIL AND WATER CONSERVATION BOARD



WALTER J. HICKEL, GOVERNOR

Susan Brook, Southeast Larry Davis, Arctic Debra Call, Southcentral
Norman Cosgrove, Yukon and Tanana DeWitt Fields, Southwest
ASWCB

FACT SHEET

WHO? The Alaska Soil and Water Conservation Board is a governor appointed five member board consisting of members who are bona fide users of land from the five major land areas of the state. These are:

The Arctic and Northwest Alaska
The Yukon and Tanana Valleys
Southwest Alaska and the Kenai Peninsula
Southcentral Alaska; and
Southeast Alaska

The ASWCB is located within the Department of Natural Resources with the Commissioner of Natural Resources serving ex officio.

WHAT? The purpose of the Alaska Soil and Water Conservation Board is to provide for the orderly development of land, for guiding settlement, and for conserving soil and water resources.

WHY? The Alaska Soil and Water Conservation Board was created to carry out the policy of Alaska Statute 41.10, Soil Conservation District Law.

HOW? The Alaska Soil and Water Conservation Board advises the commissioner of natural resources and the ten local Alaska Soil and Water Conservation Districts. These districts are made up of five duly elected supervisors who represent the land users within the district. A land user may be any individual or group involved in the production or use of natural resources. The land users within the organization are very diverse, representing foresters, farmers, miners, local governments, corporations and the military.

According to Soil and Water Conservation Law, The ASWCB and the local districts may obtain technical assistance in the form of money, services, materials and equipment from federal, state and local government agencies for carrying out its mission. In Alaska, the Soil and Water Conservation board and districts receive over 2.5 million dollars in funds annually from sources such as the USDA Soil Conservation Service, the Agricultural Stabilization and Conservation Service, National Weather Service, Army, Navy and the Environmental Protection Agency.

Water &
Wastewater
... Advisory
Board
Presentation

4-09-92



Operations Assistance A Working System

Presented by the Water and Wastewater Works Advisory Board

Alaska's geographically and culturally diverse populous has unique water and wastewater needs. Approximately one-half of the state's 550,000 people are located in urban areas served by large conventional community water and sewer systems. The remaining rural Alaskan families also desire community water and wastewater services. Often unique and innovative systems are required to overcome restraints imposed by climatic and geological conditions. Competent operators are required to provide safe water supplies and adequate wastewater disposal.

Tables I and II depict sanitation project funding during the past 11 years. There is a combined expenditure of more than \$842,000,000 in federal and state monies for new and improved sanitation facilities. Figure I and table I depict annual state funding appropriated for water, wastewater and solid waste projects over the past

ten years. Sanitation systems require significant operation and maintenance expenditures. Frequent system failures, often preventable by adequate operator training and utility management, result in service interruptions and community

FIGURE I, EXPENDITURES FOR STATE SANITATION PROJECTS VS. OPERATIONS ASSISTANCE PROGRAM FUNDING

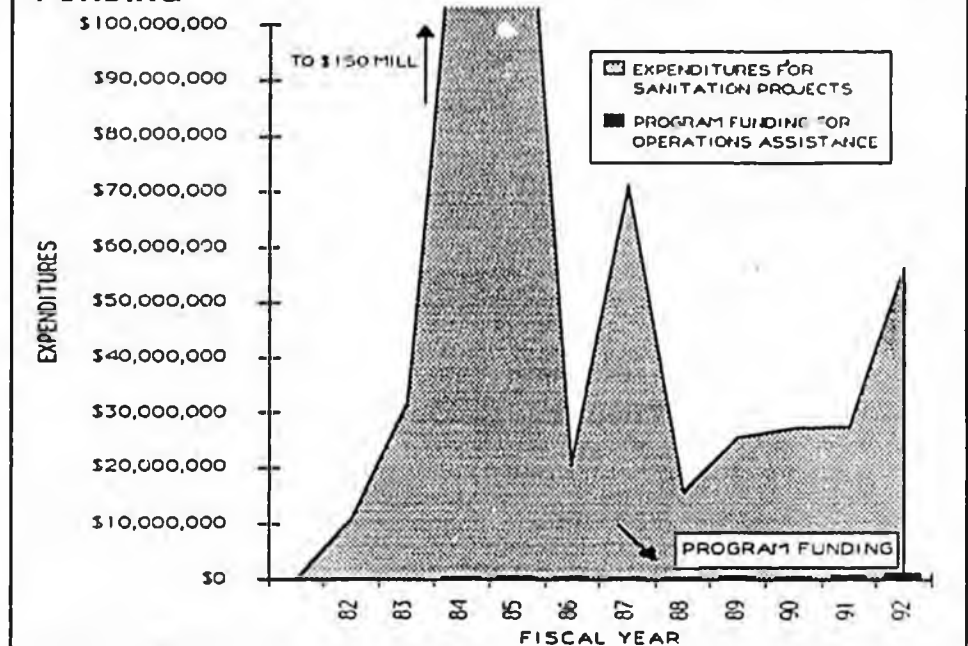


TABLE I, STATE FUNDING HISTORY FOR SANITATION PROJECTS X 1,000

FISCAL YEAR	MUNICIPAL GRANT	VILLAGE SAFE WATER	DIRECT DOA	TOTAL
82	\$9,359	\$1,609		\$10,968
83	\$4,590	\$515	\$26,442	\$31,547
84	\$28,187	\$691	\$108,587	\$137,465
85	\$15,700	\$7,972	\$127,072	\$150,744
86	\$1,823	\$867	\$17,780	\$20,470
87	\$14,881	\$10,381	\$45,964	\$71,226
88	\$5,980	\$5,623	\$4,312	\$15,915
89	\$11,795	\$6,239	\$7,538	\$25,572
90	\$7,050	\$11,164	\$8,895	\$27,109
91	\$7,490	\$6,852	\$13,042	\$27,384
92	\$11,600	\$27,157	\$17,559	\$56,316
TOTAL				\$574,716

health concerns.

An effective water and wastewater facilities program includes proper operation and maintenance of the constructed systems to delay capital replacement costs while providing community health services. The annual investment in the Alaska Department of Environmental Conservation's (ADEC) Operations Assistance Unit is a cost-effective budget expense to enhance public health and to protect new capital expenditures.

The Division of Facility Construction and Operations of ADEC is responsible for

**TABLE II
FEDERAL SANITATION FUNDING
FOR ALASKA X 1,000**

YEAR	EPA GRANTS/LOANS	INDIAN HEALTH SERVICE	HUD	TOTAL
82	\$13,900	\$8,892		\$22,792
83	\$13,900	\$8,887	\$3,499	\$26,286
84	\$13,900	\$4,664	\$2,347	\$20,911
85	\$13,900	\$5,206	\$2,646	\$21,752
86	\$13,900	\$4,386	\$9,251	\$27,537
87	\$13,400	\$4,928	\$3,085	\$21,413
88	\$12,900	\$7,165	\$2,250	\$22,315
89	\$10,600	\$8,290	\$3,474	\$22,364
90	\$10,900	\$5,300	\$4,385	\$20,585
91	\$12,300	\$15,000	\$3,000	\$30,300
92	\$11,600	\$15,000	\$5,000	\$31,600
			TOTAL	\$267,855

protecting the state's investment in water and wastewater facilities, the public's health and the environment by ensuring that these facilities are properly operated and maintained. The Operations Assistance Unit consists of three individual components: Operator Certification and Training, Remote Maintenance Worker (RMW) and a Federal, over-the-shoulder training grant. The Unit currently has a staff of four with a annual budget of \$324,530 which includes general funds, operator receipts, federal 104(g)(1) funds and the Governor's Board Water/Wastewater Works Advisory Board funds. This figure does not include the \$799,200 RMW grant funds. Table III represents funding for the Operations Assistance Unit over the past four years. Figure I also compares sanitation (capital) project funding with Operations Assistance Program funding.

The Advisory Board is an integral part of the State's Operator Certification and Training Program. The Board is a "working board" which specifically serves to advise the program staff regarding operator certification and training. The Board hears operator's appeals, determines regulatory policies and guidelines, assists with the development of regulations and reviews other related issues including reciprocity with other states.

The volunteer board is technically-oriented and consists of engineers, operators, facility managers and other individuals that are actively involved and interested in the water and wastewater industry. This important group has proven

to be an especially beneficial resource to the Department in providing direction to the operator certification and training program. Recently, the Department has taken steps to further utilize the Board's technical capabilities, requesting assistance in regulatory developments impacting the water and wastewater industry and related issues.

The mandatory state Operator Certification Training Program evolved from an industry-initiated, voluntary program in 1976. Subsequently, 18 AAC 74 required that water treatment and distribution systems, as well

as, wastewater treatment and collection facilities be classified and operated by certified personnel. Continuing education requirements as well as separate certifications are required for all operators.

Certification of operators involves reviewing and evaluating applications for experience and education; development and grading of 20 different exams; coordination of special Operator in Training (OIT) courses and exams for village operators; record keeping, notification and resolution of operator concerns. These certification efforts represent a significant portion of the staff's work load and significant endeavors to effectively manage the 500 plus currently certified operators holding a combined total of 1036 certificates. A substantial effort and staff time is allocated towards training and certification of operators of smaller systems which do not require certified operators.

During 1991 over 500 exams were given from Ketchikan to Barrow which required arranging and coordinating over 40 proctor sites. Operator attendance at proctor sites ranged from one to over 30 examinees. Advisory Board members often serve as proctors. Table IV depicts the number of certified operators by level and classification as of January 1, 1992.

By statute, certification regulations only apply to systems with 100 or more service connections or which are used by 500 or more people. Approximately 90 systems serving 446,305 people (80% of the state's population), currently fit this category. However, the majority of systems, those

**TABLE III
OPERATIONS ASSISTANCE PROGRAM FUNDING X 1,000**

FISCAL YEAR	GENERAL FUND	OPERATOR RECEIPTES	REMOTE MAINT. WORKER	104(G)(1) OVER/SHOULDER	ADVISORY BOARD	TOTAL
89	\$86	\$27	\$585	\$35	\$5	\$738
90	\$93	\$18	\$538	\$35	\$5	\$689
91	\$291	\$20	\$577	\$35	\$5	\$928
92	\$280	\$18	\$799	\$35	\$5	\$1,137
TOTAL						\$3,492

serving less than 500 people, are also encouraged to have certified operators. An integral part of the certification program is the continuous classification of all systems in the state by the Department to determine the skill level required to operate each system. Currently, the Department is re-evaluating the system classifications of the 90 systems that serve greater than 500.

Recently promulgated federal drinking water regulations require "qualified" operators in many of the smaller rural Alaskan systems. This expanded emphasis will increase the number of systems requiring certified or "qualified" operators and classification. Approximately 160 additional systems not currently subject to state certification are affected. Additional classification, training and certification efforts will be necessary to fulfill the needs of all Alaskan communities as well as comply with regulatory requirements.

System size is not always a good indicator of system complexity or susceptibility to catastrophic failure. To effectively operate and maintain a system, an operator needs specialized training in operations and maintenance as well as sampling, monitoring, and reporting.

ADEC's training program has traditionally consisted of:

☛ Short Courses - classroom training by either staff and/or private contractors.

☛ Operator Lending Library - available by mail for in-house training.

☛ Technical Assistance - to operators and communities.

☛ Communication and Coordination of Training Opportunities - development of ADEC/private training calendar and quarterly newsletter distributed to a mailing list of over 1,500. In addition, ADEC is now actively involved in joint training efforts with the Public Health Service, the Department of Community and Regional Affairs, the Alaska Water Management Association and others.

Table V is a summary of ADEC short courses offered over the past eight years. Figure II depicts the ADEC training budget for the same period. Operator receipts are also used to update the library, publish the newsletter and other operator services. Prior to 1986 the program received approximately \$120,000 yearly specifically for training. Cost-cutting measures impacted the program and the training funds were lost. Subsequently, ADEC instituted a fee system which generates approximately \$18,000 - \$20,000 dollars per year.

**TABLE IV
ACTIVE CERTIFICATES***

	OIT	I	II	III	IV	TOTAL
WATER DISTRIBUTION	46	82	51	15	13	207
WATER TREATMENT	68	56	82	43	29	308
WASTEWATER COLLECTION	25	18	55	10	12	170
WASTEWATER TREATMENT	36	00	105	67	43	351
TOTAL	175	336	293	135	97	1036

* Numbers reflect total number of active certificates, not total number of operators. Operators may hold more than one certificate.

**TABLE V
SUMMARY OF ADEC SHORT COURSES**

	FY83	FY84	FY85	FY86	FY87	FY88	FY89	FY90
NUMBER OF COURSES OFFERED	5	8	6	7	2	6	1	2
NUMBER OF LOCATIONS	26	23	18	12	3	11	4	2
TOTAL STUDENTS TRAINED	291	429	239	148	67	185	73	31
TOTAL TRAINING DAYS	44	79.5	51	35	9	24	16	12

SUMMARY

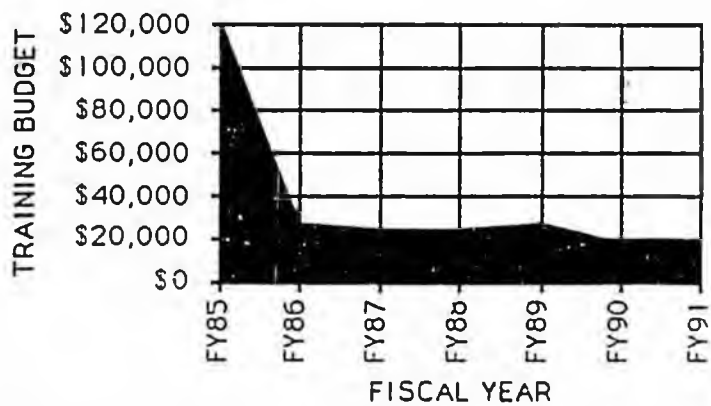
As the information depicts, the state has expended large capital appropriations in the construction of water and wastewater facilities. Furthermore, it is clear that the State needs to protect its investment in utility systems. Many existing systems risk premature failure unless a greater emphasis is placed on routine operation and maintenance and utility management.

To protect public health and capital investments in water and wastewater facilities, long-range operator certification and training programs must be maintained. This is difficult as state and federal revenues decrease. In order for certification and training programs to continue to be effective, there must be adequate routine annual operator certification and training budgets.

If you have further questions

regarding the Operations Assistance Unit of ADEC or the Water/Wastewater Works Advisory Board, please feel free to contact the Department or one of the Board members. ❖

**FIGURE II
TRAINING BUDGET**



ADVISORY BOARD MEMBERS

✓ James Berg
18765 May Ct. Circle
Eagle River, AK 99577
Telephone: 696-4494

✓ Eric Lindboe
8650 Glenn Hwy.
Anchorage, AK 99504
Telephone: 338-3870

✓ Richard Helinski, Chairman
P.O. Box 190703
Anchorage, AK 99519
Telephone: 659-5800

James Crum
Public Health Service
222 W. 8th Ave.
Anchorage, AK 99513
Telephone: 271-4700

Mark Buggins
304 Lake St.
Sitka, AK 99835
Telephone: 966-2256

John Miko
P.O. Box 75206
Fairbanks, AK 99707
Telephone: 459-6259

✓ John Hargesheimer
FPE/Roen Engineers Inc.
P.O. Box 10134
Fairbanks, AK 99710
Telephone: (w) 452-1414

John Sandor, Commissioner
Bill Fagan, Prgm Manager
ADEC Contact
410 Willoughby Ave
Juneau, AK 99301-1795
Telephone: 465-5140

Ernst Mueller
155 S. Seward St.
Juneau, AK 99801
Telephone: 780-6888



Alaska State Legislature

HOUSE RESOURCES COMMITTEE

P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-3715

March 5, 1992

Tuckerman Babcock, Chairman
Task Force on Boards and Commissions
P.O. Box 110001
Juneau, Alaska 99811-0001

Dear Mr. Babcock:

This letter is to express our concern over the proposed consolidation of the Water Resources Board and the Water and Wastewater Works Advisory Board. The effort to streamline boards and commissions statewide is commendable. However, we do not believe this particular proposed consolidation will be cost-effective and in the best interests of the state.

The Wastewater Works Advisory Board and the Water Resources Board have very different mandates under state statute. We do not believe that their functions could be merged effectively or easily.

The Wastewater Works Advisory Board is a technical board whose responsibilities deal primarily with the maintenance and operation of public water and wastewater systems. The Board advises and assists the Department of Environmental Conservation in its certification of operators and its classification of water and wastewater systems. The Board also reviews qualifications of applicants for examination and certification and helps develop a training program. The board helps to ensure the integrity of our public water and wastewater systems.

The Water Resources Board, on the other hand, is the only citizens' board that actively works on water policy issues. Citizens are appointed because of their general knowledge of the use of water and its conservation and protection. They inform the Governor on all matters related to the use and appropriation of water in the state such as water quality, quantity, and the multi-purpose nature of water in general. As members of the House Resources Committee, we are familiar with their work through their annual presentations to the Committee. They perform a valuable service in guiding our nascent state policy on this important and common property resource.

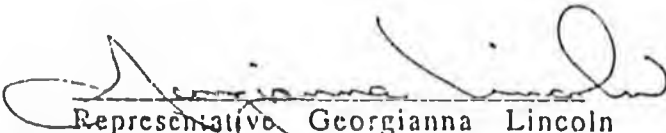
We simply do not believe that merger of these boards will enhance their function in serving the State. Other than sharing the word "water" in their titles, they have little similarity in function.

We hope the effort to merge these boards will be reconsidered in light of these concerns.


Sincerely,



Representative Cliff Davidson
Chairman, House Resources Committee



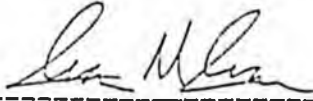
Representative Georgianna Lincoln
Vice-Chair, House Resources Committee




Representative Loren Lemay



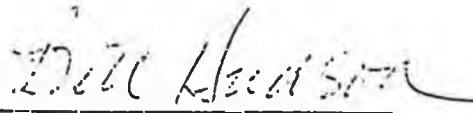
Representative Tom Moyer



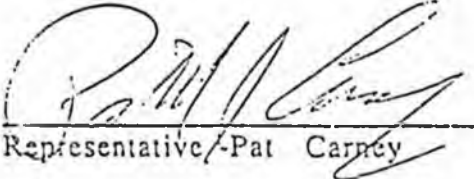
Representative Ivan Ivan



Representative David Finkelstein



Representative Bill Hudson



Representative Pat Carney

cc: Water Resources Board
Water and Wastewater Works Advisory Board
Commissioner Heinze, Department of Natural Resources
Commissioner Sandor, Department of Environmental Conservation
Commissioner Rosier, Department of Fish and Game
Members, Governor's Task Force on Boards and Commissions

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 26, 1992

*The Honorable Cliff Davidson
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182*

Dear Representative Davidson:

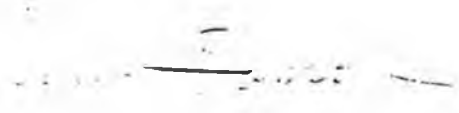
Thank you for your letter expressing ideas and concerns about the preliminary recommendations presented to the Governor's Task Force on Boards and Commissions.

I appreciate your concerns over the possible combination of the Water Resources Board and the Water and Wastewater Works Advisory Board. Your comments have been shared with members of the Task Force.

We have heard from members and staff that deal with each of these boards and the Task Force is considering possible alternative recommendations. Written testimony has been encouraged and is helping to make the Task Force's review process healthy and productive.

Thank you again for your insight. I deeply appreciate your participation in this review process.

Sincerely,


*Tuckerman Babcock
Chair, Governor's Task Force on
Boards and Commissions*

(7) "person" has the meaning given in AS 01.10.060, and includes the state and political subdivisions of the state, including the Alaska Railroad Corporation and the University of Alaska;

(8) "repair" means only a repair that might directly affect the safety of the dam or reservoir, as determined by the department;

(9) "reservoir" means a basin, appurtenant to a dam, that is capable of impounding water. (§ 2 ch 30 SLA 1987)

Chapter 25. Alaska State Commission of Oceanography.

[Repealed, § 3 ch 115 SLA 1969.]

Chapter 26. Commission for Ocean Advancement Through Science and Technology.

[Repealed, § 4 ch 115 SLA 1969, as amended by § 81 ch 69 SLA 1970.]

Chapter 30. Water and Wastewater Works Operators.

Section	Section
10. Classification	70. Certificates without examination
20. Water and Wastewater Works Advisory Board	80. Regulations
30. Training	90. Guidelines
40. Certification requirement	100. Reciprocity
50. Examinations	110. Temporary certification
60. Certification	120. Prohibited acts
	130. Definitions

Collateral references. — 78 Am. Jur. 94 C.J.S., Waters, §§ 250-253, 261.
 2d, Waterworks and Water Companies,
 § 2.

Sec. 46.30.010. Classification. The department shall classify all potable water systems and facilities actually used or intended for use by the public, and all wastewater systems and facilities that discharge into publicly owned wastewater systems, or to receiving bodies of water, or on land used by others. The classification shall give due regard to

- (1) the size and type of the systems and facilities;
 - (2) the character of water or wastewater to be treated;
 - (3) other physical conditions affecting the systems and facilities;
- and

§ 46.30.020

WATER, AIR, ENERGY, ETC.

§ 46.30.060

(4) the skill, knowledge and experience required of an operator.
(§ 1 ch 244 SLA 1976)

Sec. 46.30.020. Water and Wastewater Works Advisory Board. There is created the Water and Wastewater Works Advisory Board composed of the commissioner of environmental conservation and eight additional members appointed by the governor. The Water and Wastewater Works Advisory Board shall advise and assist the department in the administration of the training and certification program. Appointments to the board shall be for a period of five years. Vacancies shall be filled in the same manner as the original appointments. (§ 1 ch 244 SLA 1976; am § 129 ch 6 SLA 1984)

Sec. 46.30.030. Training. The department shall, with the assistance and advice of the Water and Wastewater Works Advisory Board, provide a water and wastewater works operator training program. The purpose of this program is to provide mechanisms for water and wastewater works operators to become certified under the provisions of this chapter and for certified operators to maintain and improve their competency in operating water and wastewater systems or facilities. The department shall coordinate and cooperate with educational institutions and other organizations or individuals in the administration of this section. (§ 1 ch 244 SLA 1976)

Sec. 46.30.040. Certification requirement. All potable water supply and wastewater systems and facilities, whether publicly or privately owned, which serve 100 or more service connections or are used or intended for use by 500 or more persons, must at all times be under the supervision of an operator whose competency is certified to by the department in a classification corresponding to the classification of the system or facility to be supervised. (§ 1 ch 244 SLA 1976; am § 130 ch 6 SLA 1984)

Sec. 46.30.050. Examinations. Examinations shall be held at least annually at times and places set by the department. Separate examinations shall be given for each operator classification. Applicants who fail to pass an examination may repeat the examination at subsequent regularly scheduled examinations. (§ 1 ch 244 SLA 1976)

Sec. 46.30.060. Certification. The department shall issue certification entitling those persons who successfully complete the required examinations to supervise the operation of potable water supply and wastewater systems and facilities after considering the recommendations of the advisory board. The certificate must designate the class of system for which the operator is qualified in accordance with the classification system of the department. The certificate shall be valid

for three years unless revoked for cause or replaced by one of a higher grade. (§ 1 ch 244 SLA 1976; am § 1 ch 14 SLA 1986)

Sec. 46.30.070. Certificates without examination. Certificates may be issued without an examination to persons employed as water or wastewater works operators on September 24, 1976, who request a waiver. The examination waiver shall be printed on the certificate. An operator certified under this section may request to have a certificate transferred to another facility of the same general class and type or to another facility of lower class. The request shall be granted if, in the opinion of the department, the transfer would not adversely affect the health and safety of the public or the environment. The department shall consider the recommendations of the Water and Wastewater Works Advisory Board before granting or denying a request under this section. (§ 1 ch 244 SLA 1976)

Cross references. — For validation of §§ 2 and 3, ch. 14, SLA 1986, in the Temporary and Special Acts, see certain erroneously issued certificates, see

Sec. 46.30.080. Regulations. The department, with the advice of the Wastewater Works Advisory Board, shall adopt regulations for administration of this chapter. The regulations shall include

(1) the basis for classification of potable water supply and wastewater systems and facilities, including the type and size of lesser systems and facilities, if any, to which the provisions of this chapter do not apply, as required by AS 46.30.010;

(2) criteria for the qualification of applicants for operator certification corresponding to each of the classifications referred to in AS 46.30.010;

(3) procedures for examination of candidates and renewal of certificates;

(4) procedures for the revocation of certificates;

(5) determination as to which additional personnel shall be certified when certification is required for more than the operator in direct responsible charge. (§ 1 ch 244 SLA 1976)

Sec. 46.30.090. Guidelines. The department, to the extent it determines feasible, shall be guided by the standards recommended by the Association of Boards of Certification for Operating Personnel in Water and Wastewater Utilities. (§ 1 ch 244 SLA 1976)

Sec. 46.30.100. Reciprocity. Certificates may be issued without examination in the comparable classification to an applicant who holds a certificate in a state, territory, or possession of the United States, if its certification requirements and examinations are compa-

rable to those of this state and if reciprocal privileges are granted to operators certified in this state. (§ 1 ch 244 SLA 1976)

Sec. 46.30.110. Temporary certification. In the event of unusual or emergency circumstances or following the hiring of new employees, temporary certificates may be issued to an operator until a time when the operator can be examined and certified. Within two weeks after employment of such an operator, the department must be notified in writing and information shall be provided, including the operator's name, background, experience, training, education, and references. Thereafter, the operator may be issued a temporary certificate which shall remain valid only for that time required for the next routine examination and evaluation. (§ 1 ch 244 SLA 1976)

Sec. 46.30.120. Prohibited acts. It is unlawful

(1) for any potable water supply or wastewater system or facility subject to AS 46.30.040 to be operated unless the operator is certified under the provisions of this chapter;

(2) for any person to perform the duties of an operator without being certified under the provisions of this chapter. (§ 1 ch 244 SLA 1976; am § 131 ch 6 SLA 1984)

Sec. 46.30.130. Definitions. In this chapter

(1) "certificate" means certificate of competency issued by the department stating that the operator has met the requirements for the specified operator classification of the certification program;

(2) "department" means the Department of Environmental Conservation;

(3) "potable water supply system" means the system of pipes, structures, and facilities through which water is obtained, treated and sold, distributed or otherwise offered to the public for household use or any use by humans;

(4) "wastewater system" means the system of pipes, structures, equipment and processes required to collect, carry away and treat domestic and industrial wastewater and dispose of the effluent. (§ 1 ch 244 SLA 1976)

18 AAC 74.130 ENVIRONMENTAL CONSERVATION 18 AAC 74.140

(f) To classify wastewater collection systems under (a) of this section, the department will use the following point system:

Item Size	Points
Maximum population served, per day	1 point per 10,000 or part
Miles of sewer line	
0 — 2	2
2 — 10	6
10 — 100	15
100 and over	25
Utilidor (walk through)	16
Standby generators at lift stations	6
Lift station types (Choose one most used in system)	
Wet well with pump above well	10
Wet well with submersible pumps	14
Wet well/dry well	16
Pneumatic ejectors	16
Number of lift stations	
0 — 5	3
5 — 15	5
15 — 35	8
35 and over	10

*Limit 10 points each

(Eff. 8/21/78, Register 67; am 8/24/85, Register 95)

Authority: AS 46.30.010
AS 46.30.060
AS 46.30.090

18 AAC 74.130. TRAINING. Repealed 8/24/85.

18 AAC 74.140. WATER AND WASTEWATER WORKS ADVISORY BOARD. The board will

(1) advise and assist the department as the department certifies operators and classifies water and wastewater systems;

(2) review qualifications of applicants for examination and certification in cooperation with the department or at the applicant's request;

- (3) advise the department as the department prepares and gives examinations;
- (4) make recommendations to the department as the department issues, cancels, invalidates, or revokes certificates;
- (5) assist the department in determining the number of certified operators needed for proper system operation;
- (6) make recommendations to the legislature and the governor for legislation concerning operation and maintenance of public water supply and wastewater systems;
- (7) assist and advise the department as the department develops and administers a training program; and
- (8) give other assistance as requested by the department. (Eff. 8/21/78, Register 67; am 8/24/85, Register 95)

Authority: AS 46.30.020
AS 46.30.030
AS 46.30.060

18 AAC 74.150. COMPOSITION OF THE WATER AND WASTEWATER WORKS ADVISORY BOARD. Deleted 8/24/85.

Editor's notes. — Under AS 44.62.060(b) and 44.62.125(b), 18 AAC 74.150 was deleted by the regulations at-
torney 8/24/85 because it lacked statutory authority.

18 AAC 74.160. APPEALS. A person aggrieved by a department action taken under this chapter may ask the board to hear the grievance and make a recommendation to the department. Use of this procedure does not affect any right the aggrieved person may have under the Administrative Procedure Act (AS 44.62). (Eff. 8/21/78, Register 67; am 8/24/85, Register 95)

Authority: AS 46.30.080

18 AAC 74.170. FEES. (a) The department will accept for processing an initial application for examination only if the application is accompanied by a nonrefundable application fee of \$10.

(b) The department will accept for processing an application for reexamination only if the application is accompanied by a nonrefundable application fee of \$10.

(c) The fee for each examination to be taken is \$15. Except as provided in (f) of this section, the examination fee is nonrefundable.

(d) The fee to renew a certificate is \$30. The fee is nonrefundable.

(e) The fees for issuing a temporary certificate are a \$10 application fee and a \$15 certificate fee. The fees are nonrefundable.

(f) If the department is notified in writing at least two weeks before the examination date that an applicant cannot take a scheduled exam-

18 AAC 74.900 ENVIRONMENTAL CONSERVATION 18 AAC 74.900

ination and wishes to be rescheduled, the examination fee paid by the applicant will be applied to the next examination cycle without reapplication.

(g) For all department-sponsored operator training classroom courses, the following fee schedule applies; the fees are nonrefundable except as provided in (h) of this section:

- 1-day course — \$ 75
- 2-day course — 100
- 3-day course — 150
- 4-day course — 175
- 5-day course — 200

(h) The department will, in its discretion, cancel an operator training classroom course with fewer than 10 students registered. If a course is canceled by the department, the fee paid under (g) of this section will be refunded.

(i) All department-sponsored correspondence courses providing continuing education unit (CEU) credits require a nonrefundable fee of \$10 per CEU.

(j) The fees for a reciprocal certificate, as described in AS 46.30.100, are a \$10 application fee and a \$15 certificate fee. The fees are nonrefundable. (Eff. 1/23/86, Register 97)

Authority: AS 46.30.030	AS 46.30.080
AS 46.30.050	AS 46.30.100
AS 46.30.060	AS 46.30.110

18 AAC 74.900. DEFINITIONS. Unless the context indicates otherwise, in this chapter

- (1) "applicant" means a person seeking a certificate under this chapter;
- (2) "approved" means approved by the department;
- (3) "board" means the Water and Wastewater Works Advisory Board created by AS 46.30.020;
- (4) "certificate" means a certificate of competency, issued to an operator by the department, stating that the operator has met the requirements for the specified level of the certification program;
- (5) "department" means the Department of Environmental Conservation;
- (6) "on-site" means to be present at a system for an amount of time and at intervals acceptable to the department, based upon the complexity of the treatment process, or means to be on-call within two hours travel time of the system when not physically present at the system and when there is no back-up operator present who is certified at no less than one level below the classification of the system and who is designated to assume the operator's duties;

(7) "operating experience" means the time spent at a system in satisfactory performance of operation duties;

(8) "operator" means a person engaged in the on-site operation of a water supply or wastewater system; "operator" does not ordinarily mean an official, such as the city engineer or public works superintendent, exercising only general administrative supervision;

(9) "operator in training" means a person receiving on-the-job training under the supervision of a certified operator or through an organized training program, who desires to obtain a certificate and who is, or can show probable employment as, an operator of a water or wastewater system;

(10) "responsible charge" means the on-site active supervision of system operations;

(11) "service connection" means a pipe, with all its parts, that connects a water or sewer main with building plumbing;

(12) "system" means a water supply system or a wastewater system;

(13) "wastewater collection system" means pipelines or conduits, pumping stations and force mains, and all other related constructions, devices, and appliances used to conduct wastewater to a wastewater treatment system;

(14) "wastewater system" means the system of pipes, structures, equipment, and processes required to collect, carry away, and treat domestic or industrial wastewater and dispose of the effluent;

(15) "wastewater treatment system" means devices, structures, and equipment used to treat, neutralize, stabilize, or dispose of wastewater and residuals;

(16) "water distribution system" means post-treatment storage facilities, conduits, mains, lines, pumping stations, or other devices used to carry water to the consumer, and includes a groundwater supply treated only with chlorine;

(17) "water supply system" means any source of water, intake works, collection system, treatment works, storage facility, or distribution system from which water is available for human consumption; "water supply system" includes systems providing water to more than one residence, or to a factory, office building, restaurant, school, or similar facility, but does not include a system serving only a single-family residence; and

(18) "water treatment system" means devices, structures, and equipment used to condition, purify, or refine water for human consumption, and does not include a groundwater supply treated only with chlorine. (Eff. 8/21/78, Register 67; am 2/21/81, Register 77; am 8/24/85, Register 95)

Authority: AS 46.30

Water Quality
Regulations
Hearing

10-03-92

file 1

			-4300 FAX
Nancy Lethcoe	AK Wild & Tur Valdez Assoc	835-5175	835-4836
Resource Dev. C POB 100516 99510	Arch Reflex To coashed	276-0700	276-3887
Jack Cottril	Greens Creek	789-4171	789-7112
Steve Borrell 501 W Northern Light #203 99503	AMA	276-0347	276-7997
Kari Harneman AK Place Development	Livengood	452-8685 457-4609(h)	452-8690
George Yaska 122 1st Ave Fairbanks, AK 99701	TCC	452-8251 (3255)	459-3851
Larry Blazing	AFA (Ketchikan)	225-6114	225-5920
bus Edward Oetken Alaska Pub Corp. 4600 Summ. Cr Rd 99835	APC Sitka	747-2225	747-5588
Richard Harris	Sealaska Corp	586-1512	
Ardie Gray Alaska Oil & Gas Assoc 99503 121 W. Firwood Lane Suite 207			List of Active consituent groups and agencies
Charlie Biddy		474-8153(h)	
Sally Marqueth			206-553-0165
Larry Blazing	AFA	225-6114	225-5920
Dave Sturdevant	DEC	465-5276	

House Resources Committee
October 3 1992

Tape 1 Side 1

Introduction

Testimony

Al Ewing

Q: Rep. Moyer

Q: Davidson

Q: Lincoln

DEC: Dave Sturdevant

Q: Finkelshtein
to EPA ~~and~~

Q: Davidson

John Sandor

Tape 1 Side 2

11:00 John Sandor testimony

0 → 135

136 Q: Leman

A: John Sandor

175 A: Dave Sturdevant

220 Q: Leman

306 Q: Moyer

TAPE I SIDE I

WAS TAPED OVER BY
MATERIAL THAT SHOULD BE ON
TAPE 3 SIDE I.

SO the first 30 minutes
of the hearing was lost
ORDER (I THINK)

TAPE 1 SIDE 2 Last 15 min

1 II

2 I

2 II

1 I First 30 min

3-4 I+II in order

Cliff: "We may have
another hearing in
mid November or early
December to give people
additional opportunity"
to testify "

Tape 2 Side 1

?
Panel # 1

Jerry McCune - UFA

George Yarka - Tanana Chiefs Cont.

Gershon Cohen - Alaska Clean Water Alliance

Mike Wenig - Trustees for AAs

Riki Ott - UFA

Nancy Lethcoe - Alaska ^{with} Rec. + Tourism Assoc.

copy of tape
to CDFU

Tape 2
Side 2

~80 Comments by Davidson

95 Edward Oetkin

160 Jack Cottril - Green Creek Mining
Environmental Manager

206 Karl Hansman AK Placer Devel.
speaking for AMA Water Quality Committee

271 Charlie Boddy - Usibelli
Coal Producers

Becky Gay - RDC

410 Tom Van Brocklin Valdez

449 Chris Norois Petersburg Vessel Owner Assoc.

Katie Fran?

Tape 3 Side 1

Katie continued

40 Marna Schwanta SEACC Ino

72 Nancy Hillstrand Cook Inlet Vigil
Pioneer Alaska ?
Public Advisory Comm. for the Env

98 Sylvia Ward - No. AK Env. Center
Common Ground

Tape III Side 1

~~144~~ Ronald Sparks Haines

025 Q R. H. Ott

028 // Dave Sturdevant

072 Jim Zawacki

Tape III Side 2

Q + A

384 Don Mueller Sitka

470 Tim June

Tape 4 Side 1

0 Cheryl Long Anch

Public comment



Lee Petersburg

Becky Knight "

700 Joe Bridgeman - staff TCEM committee
of KCAC

740 Greg Williams - reporter KCHU

Tape 4 Side 2

Sandoz committed to
look at expanding the H2O
group will est J. Adair

3:40 p.m.



Alaska State Legislature

HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES

POUCH V
JUNEAU, ALASKA 99811
(907) 468-3715

P R E S S R E L E A S E

Contact: Jay Nelson
561-7617

HEARING ON PROPOSED STATE WATER QUALITY REGULATIONS

A public hearing by the House Resources Committee on revisions to Alaska's Water Quality Regulations as proposed by the Department of Environmental Conservation will be held on Saturday October 3, 1992. The hearing is scheduled from 10:00 a.m. - 1:00 p.m. at the Anchorage Legislative Information Office at 3111 C Street in Anchorage or at any participating Legislative Information Office.

According to Representative Cliff Davidson, chairman of the Committee, the purpose of the hearing will be to review the proposed regulations, determine the impact of the proposed revisions on the economy and the health and welfare of Alaskans and to provide further opportunity for public review and testimony.

Invited to testify are the U.S. Environmental Protection Agency and the Alaska Department of Environmental Conservation. Their overview will be followed by two panels of individuals invited as spokespersons for the major affected industries and public interest groups. Public testimony will follow. Individuals and groups statewide are welcome to participate through the legislative teleconference system.



Alaska State Legislature

HOUSE RESOURCES COMMITTEE

P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 485-3715

HEARING ON PROPOSED CHANGES TO STATE WATER QUALITY REGULATIONS

October 3, 1992, 10:00 a.m. - 1:00 p.m.
Anchorage Legislative Information Office conference room
3111 C Street
Statewide teleconference

Environmental Protection Agency

Al Ewing, Assistant Regional Administrator
Sally Marqueth, Water Quality Standards Coordinator
- Clean Water Act: Federal mandates and state options

Department of Environmental Conservation

John Sandor, Commissioner
Dave Sturdevant, Water Quality Mgmt. - Review proposed water
quality regulations

Panel #1

Jerry McCune - United Fishermen of Alaska
Riki Ott - United Fishermen of Alaska

George Yaska - Tanana Chiefs Conference

Gershon Cohen - Alaska Clean Water Alliance
Mike Wenig - Trustees for Alaska

Nancy Lethcoe - AK Wilderness Recreation & Tourism Assoc.

Panel #2

Edward Oetkin - Alaska Pulp Corporation
Richard Harris - Sealaska Corporation

Karl Hanneman - Alaska Placer Development
Charlie Boddy - Usibelli Coal Mine, Inc.

Becky Gay - Resource Development Council

- Oil industry representative

PUBLIC TESTIMONY



Alaska State Legislature

HOUSE RESOURCES COMMITTEE

P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 485-3715

September 17, 1992

Commissioner John Sandor
Department of Environmental Conservation
410 Willoughby Avenue, Suite 301
Juneau, Alaska 99801-1795

Dear Commissioner Sandor:

The House Resources Committee will hold a hearing to review the Department of Environmental Conservation proposed revisions to Alaska's Water Quality Standard Regulations in Title 18 Chapter 70 (18 AAC 70) of the Alaska Administrative Code. The meeting is scheduled for Saturday, October 3 from 10:00 to 1:00 p.m. at the Anchorage Legislative Information Office located at 3111 "C" Street, Suite 150.

The purpose of the meeting is to determine the basis and need for the proposed regulations and their expedited review, determine the impact of the proposed revisions on the economy, health and welfare of Alaska, and provide further opportunity for public review and testimony. As you are aware, there has been considerable controversy over these proposed regulations. You should view this hearing as an opportunity to brief legislators and the public on the need for revisions to our existing water quality standards.

I would request the attendance of DEC technical staff familiar with the regulations and available to answer questions regarding the proposed revisions. Thank you for your assistance and cooperation. With best regards,

Sincerely,

A handwritten signature in cursive script, appearing to read "Cliff Davidson".

Representative Cliff Davidson
Chairman



Alaska State Legislature

HOUSE RESOURCES COMMITTEE

P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-3715

September 17, 1992

Mr. Chuck Findley
U.S. EPA Region X
Mail Stop WD-131
1200 Sixth Avenue
Seattle, WA 98101

Dear Mr. Findley:

The House Resources Committee of the Alaska Legislature will hold a hearing to review the Department of Environmental Conservation proposed revisions to Alaska's Water Quality Standard Regulations in Title 18 Chapter 70 (18 AAC 70) of the Alaska Administrative Code. The meeting is scheduled for Saturday, October 3 from 10:00 a.m. to 1:00 p.m. at the Anchorage Legislative Information Office located at 3111 "C" Street, Suite 150.

The purpose of the meeting is to review the proposed regulations, determine the impact of the proposed revisions on the economy, health and welfare of Alaska, and to provide further opportunity for public review and testimony. As you are aware, there has been considerable controversy over these proposed regulations. I am hopeful that this hearing will also provide a useful forum for legislators to compare the existing water quality standards with the new regulations offered by the DEC.

I would appreciate the presence of EPA staff who can address questions regarding the relationship between federal and state water quality laws and regulations and the federal timeline for review of the proposed state regulations. Thank you for your assistance. With best regards,

Sincerely,

A handwritten signature in cursive script that reads "Cliff Davidson".

Representative Cliff Davidson, Chairman
House Resources Committee

Mr. Alvin L Ewing, EPA, Assistant Regional Administrator, Alaska



Alaska State Legislature

HOUSE RESOURCES COMMITTEE

P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-3715

M E M O R A N D U M

TO: All Members, House Resources Committee

FROM: Representative Cliff Davidson, Chairman
House Resources Committee

DATE: September 17, 1992

SUBJECT: House Resources Committee Meeting

The House Resources will hold a hearing by teleconference Saturday, October 3 from 10:00 a.m. - 1:00 p.m.

The purpose of the hearing is to review the Department of Environmental Conservation proposed revisions to the Alaska's Water Quality Standard Regulations as outlined in 18 AAC 70. The public review packet compiled by the Department is enclosed.

The meeting will be chaired from the Anchorage Legislative Information Office at 3111 "C" Street, Suite 150. Members can participate via the legislative teleconference network.

Please contact the House Resources Committee Office at 561-7617 if you have questions or need additional information. Thank you.

REQUESTOR: LIOCJAS - Suire, James 31LAA

S Y S M A U T O M A T I C P R I N T *****

MESSAGE ID: 246024E DATE: 10/03/92 TIME: 12:34 PRIORITY: 000

TO: LIOCJAS - Suire, James
Information Assistant
31LAA
3111 C Street
Suite 150
Anchorage, AK 99503

FROM: LIOCPSG - Penttila, Dorothy
Leg. Info. Officer
31LAA
Box 1470
Petersburg 99833

SUBJECT: 92-09-011
participate List #2
t/c: 92-09-011 proposed state water quality regulations
October 3, 1992
(H) Resources

Moderator: Olivia
site: Petersburg

- (1) Kris Norosz Box 232 Petersburg, 99833 ***yes to testify
Petersburg Vessel Owners Assoc.
 - (2) Dave Mcfadden Box 668, Petersburg, 99833 ***yes to testify
 - (3) Eric Lee box 251, Petersburg, 99833 observe only
 - (4) Kerry Beebe Box 148, Petersburg, 99833 observe only
 - (5) Becky Knight Box 1331 Petersburg, 99833 ***yes to testify
- please note 3 to testify.....

Sent to: LIOCJAS - James Suire (to)

LEGISLATIVE TELECONFERENCE NETWORK

SIGN-IN SHEET



SPONSOR: (H) Resources

SUBJECT: Proposed state water quality Regulation

START/END TIME: 10:00 Am DATE: 10/3/92

PLEASE PRINT

	NAME/REPRESENTING	ADDRESS	PHONE #	TESTIFY	OBSERVE	BILL #
1	Kris Norusz/Petersburg Vessel Owners Assoc	P.O. Box 232 Petersburg	772-323	X		
2	Dave McFadden	P.O. 668 Petersburg AK	772-9382	X	W	
3	ERIC LEE	Box 251			✓	
4	Kerry Beebe	Box 148 PEG AK 99833	772-3808 (mess. phone)		✓	
5	Becky Knight	Box 1331 JSS AK 99833	772-9391	X	W	
6						
7						
8						
9	Participant List # 3					
10						
11	Please note 3 to					
12	TATLEY					
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17						
18						



LEGISLATIVE TELECONFERENCE NETWORK
SIGN-IN SHEET

~~SITKA~~

SPONSOR: L. SOURCES
SUBJECT: Water Quality
START/END TIME: _____ DATE: 10-3-92

Testify
Observe

	Signature	Printed Name/Representing	Address/City	Phone	Bill #	Testify	Observe
1	<i>Don G. Muller</i>	DON G. MULLER	1012 Sitka Ak	74			
2	<i>ER O'Brien</i>	ER O'BRIEN	4600 SMC RD Sitka, AK 99833	747-8434			
3	<i>Robert Ellis</i>	Robert Ellis	P.O. 2966 Sitka	747-8434			
4	<i>Page Else</i>	Page Else	219 Saw " Creek Hwy Sitka	7448			
5							
6							
7		HAINES					
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~~Don't forget Haines~~

OCT 03 '92 15:35 SITKA LEG. INFO.

Chairing Moderator: JAMES

T/C NO.: 92-09-011
 DATE OF T/C: 10/03
 SPONSOR/COMMITTEE: (H) RESOURCES
 SUBJECT/BILL(S): WATER QUALITY
 LOCAL MODERATOR: ADAM

SITE: JUNEAU

=====

TESTIFYING/SPEAKING

Name/Affiliation	Address/Zip	Phone	Bill No.
1. JACK COTTRELL GREENS CREEK			
2. JEANNE COCHRAN SIERRA CLUB LEGAL DEFENSE CLUB	IF THERE ARE QUESTIONS		
3. NOREEN HOUTALA			
4. MARNI SCHWARTZ SEASC			
5.			

=====

OBSERVING ONLY

Name/Affiliation	Address/Zip	Phone	Bill No.
1.			
2.			
3.			
4.			
5.			

=====

*** REQUESTOR: LIOCJAS - Suire, James 31LAA ***

*** S Y S M A U T O M A T I C P R I N T ***

MESSAGE ID: 246052 DATE: 10/03/92 TIME: 13:04 PRIORITY: 000

TO: LIOCJAS - Suire, James
 Information Assistant
 31LAA
 3111 C Street
 Suite 150
 Anchorage, AK 99503

FROM: LIOCVL - LIO, Valdez
 Leg. Info. Office
 31LAA
 P.O. Box 1969
 Valdez, AK. 99686

SUBJECT: testimony

~~RCAC~~ Forum Gttee

~~James,~~
Joe Bridgman would also like to testify. also nancy letchoe will be
leaving at 1:20 if they are taking questions from the panel.
sharon

Sent to: LIOCJAS - James Suire (to)

HAINES Ronald Sparks →

VALDEZ, AR. 97.00

SUBJECT: Mini Participant List
TELECONFERENCE PARTICIPANT LIST

Chairing Moderator: JAMES

T/C NO.: 92-09-011
DATE OF T/C: 10/3/92
SPONSOR/COMMITTEE: (H) RESOURCES
SUBJECT/BILL(S): PROPOSED STATE WATER QUALITY REGULATIONS
LOCAL MODERATOR: SHARON

SITE: VALDEZ

=====

TESTIFYING/SPEAKING

<u>Name/Affiliation</u>	<u>Address/Zip</u>	<u>Phone</u>	<u>Bill No.</u>
1. NANCY LETCHOE			
2. TOM VAN BROKLIN /			
3.			
4.			
5.			

=====

Ketchikan

SIGN-IN SHEET



SPONSOR: (H) Resources
 SUBJECT: State Water Quality Regs
 START/END TIME: 10 AM / DATE: 10-3-92

PLEASE PRINT

	NAME/REPRESENTING	ADDRESS	PHONE #	TESTIFY	OBSERVE	BILL #
1	Roland J. Stanton	3817 Fairview	225 3906	X		
2	Kady French	14505 N. Tongass	225-3360	X		
3						
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Post-It™ brand fax transmittal memo 7671 # of pages 1
 To: James
 From: KEE
 Co: KTH LIO
 Phone #
 Fax #: PL # 2
 Dept: 562-4376



LEGISLATIVE TELECONFERENCE NETWORK

SIGN-IN SHEET

2

SPONSOR: House Resources
 SUBJECT: Proposed State Water Quality Reg
 START/END TIME: 10:00 Am DATE: 10-3-92

PLEASE PRINT

	NAME/REPRESENTING	ADDRESS	ZIP	PHONE#	TESTIFY	OBSERVE	BILL #
1	ERIC MYERS / myself	6710 Potter Hgts Anch	99516	345-3366		X	N/A
2	Shanna Nunson (Sen. Curd)	165 E Parks Hwy Wasilla	99654	373-2878		X	
3	Ben Postman ^{Memard} myself	3208 Woodlout Park	97517	243-7499	X		
4	Marlyn Tutcheil	1337 Virginia Court Anchorage	99501	272-7112			
5	Fred Zharoff	Box 405 Kodiak	99615	486-5259		X	
6	Walter Parker / self	3724 Campbell Ave Anch Rd	99504	333-5189		X	
7	Peg ¹⁰¹⁸ Lileston / self	4780 Cambridge Area	99503	571-0540	X		
8	Pam Miller / self	PO Box 103848 Anch	99510	274-6853			
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Anch

LEGISLATIVE TELECONFERENCE NETWORK

SIGN-IN SHEET

1

SPONSOR: HOUSE RESOURCES
 SUBJECT: PROPOSED State WATER Quality Reg
 START/END TIME: 10:00 AM DATE: 10-3-92

PLEASE PRINT

	NAME/REPRESENTING	ADDRESS	ZIP	PHONE#	TESTIFY	OBSERVE	BILL #
1	ARL RUTZ / A.P.S.C.	1835 S-BIRGAW ST, ANCH, AK	99517	265-8142		✓	
2	Tim June / Alaska Clean Water Alliance	Box 672, Haines Alaska	99827	766 2028	✓		
3	George Yastrup / Alaska Chiefs Conf.	122 1st ave, Folsom, AK	99701	452-8251	✓		
4	Sandra Cohen / AK. Clean Water Alliance	Box 956 Haines AK	99827	766-2488	✓		
5	Fred [unclear] / RDC inc.	121 W. FIREWOOD #750	99503	876 0700	✓		
6	JIM LEVINE	7343 LINDEN DR	99502	248 0742		✓	
7	Cheryl Jung / Chang Jung	Box 601 Buckland AK	99503	^{local} 561 4032	✓		
8	Mike Frank	2224 Tunjuaan Plany	99517	248 5078		✓	
9	Karl Ohls	3111 C St., #520, Anch.	99503	561-2003		✓	
10	Marlene Humen	1401 Virginia Ct Anch AK	99501	272-3034		✓	
11	Bryce Edgmon (Rep. Jacks)	3111 C St. 200 Anch AK	99503	561-6154		X	
12	Susan Musco	938 David Place Anch, AK	99501	—		X	
13	Nina Brudie (Rep. Ellis)	3111 C St #455 A/A	503	561-7628		X	
14	MIKE WENIG / TRUSTEES FOR ALASKA	725 Christensen Dr, #1 ANCH	99501	276-4244	✓		
15	Pam Miller	Greenpeace PO Box 104432	99510	277 8234		✓	

Who?

Who?

FAX TO: 562-4316

TC # 92-05-011

Proposed Site Water Quality Regs

OCT. 3, 1992

(H) Resources

MODERATOR: Olivia

SITE :

Petersburg

Participate List #3

TESTIFY
OBSERVE
BILL #

(1) ~~Kris Norosz~~

~~Petersburg vessel owners Assoc.~~

(2) ~~DAVE McFadden~~

(3) ~~Eric Lee~~

(4) ~~Becky Knight~~

X		
X		
X	#	
X		

TESTIFIER # 2 DAVE McFadden

had to leave 1:30

update

— we have 2 left who would like to testify —



Legislative Affairs Agency ~~Homer~~

Teleconference

DATE: October 3, 1992

SPONSOR: House Resources

TIME: START _____ END _____

SUBJECT OF MEETING:
*Proposed State Water
 Quality Regulations*

P.171

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Nancy J. Hillstrand	COOK INLET VIEIC	P.O. Box 674 - Homer	99603	235 2572		<input checked="" type="checkbox"/>	N	WATER QUALITY STANDARDS
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

OCT 03 '92 10:26 LEG. AFFAIRS - HOMER

STATS ADDRESS: _____



800-478-7612 James

Fairbanks

SIGN-IN SHEET

13

SPONSOR: House Resources 92-09-011
 SUBJECT: State Water Quality Regulations
 START/END TIME: 10 DATE: 10/2/92

PLEASE PRINT

NAME/REPRESENTING

ADDRESS

ZIP

PHONE#

TESTIFY

OBSERVE

BILL #

	NAME/REPRESENTING	ADDRESS	ZIP	PHONE#	TESTIFY	OBSERVE	BILL #
1	Doug Welton - Public	6810 Steese Hwy Wetztown	99712	474-9883	X		
2	Charlie Boddy - Panel	1179 Kadiak St.	99709	474-8153	✓		
3	Sylvia Ward - NAEC	218 Drue Ward FBKS	99701	452-5021	✓		
4	Joanne Gustafson - Public	6000 Fairbank St, Bldg. C - Apt #2	99709	479-9186		✓	
5	Karl Hanneman - Panel	626 2nd Street, Fbks, AK 99701	99701	452-8685	X		
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SENT BY: PETERSBURG INSURANCE : 10-3-92 1:55PM : 9077723184

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

STATEMENT BY JOHN A. SANDOR, COMMISSIONER
ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
AT THE OCTOBER 3, 1992 HEARING
ALASKA HOUSE NATURAL RESOURCES COMMITTEE
ANCHORAGE, ALASKA

I am pleased to have the opportunity to appear before this Committee to discuss the extremely important topic of revisions to the State's water quality standards. With the Committee's concurrence, I would like this statement included in the hearing record.

David Sturdevant, the Department's Water Quality Standards Coordinator, is here also to discuss the technical details associated with the revision process.

First, I would like to express my appreciation to the Committee for the interest you have taken in this complex and extremely important process. Alaska's water quality standards are an important part of the State's environmental protection programs. They have a significant impact on communities, businesses and individuals. They have a direct day-to-day effect on all Alaskans.

There appears to be a widespread public concern that DEC's proposed revisions will lower water quality standards, resulting in a State-wide degradation of water quality and reduction in fish populations. We want to emphasize that this is not the case. I also want to stress that the revisions are proposals that we have released for public comment. I assure you we will thoroughly review and consider all comments we receive.

The water quality standards revisions process deals with complex, technical issues. The standards in part involve ongoing scientific research and as such are often controversial. Some questions related to health risk may be decades away from final resolution. How does one best communicate risk? This complex question may be the most difficult issue to deal with in the revisions process. Because of this and other complex issues, the Department provided an unprecedented amount of documentation along with the draft revisions. This information was painstakingly prepared to provide reviewers with the technical support for the recommendations contained within the draft regulations. It was also prepared in the hope that it would provide a technical framework from which reviewers could construct sound arguments either in favor of, or in opposition to, the proposed revisions.

It is also in this context that DEC announced a 30-day extension in the public comment period through October 31, 1992. During this period the DEC will be receptive to receiving and discussing any additional technical comments anyone would wish to submit.

I want to also note that the Department has been communicating with the Environmental Protection Agency (EPA) on this issue throughout this Triennial Review process and that we will continue to do so in the future.

You have specifically asked that I comment on the basis and need for the proposed regulations and their expedited review; and the impact of the revisions on the economy, health and welfare of Alaska. I will briefly cover each of these points. I would like to include as a part of this presentation a copy of my testimony to the Senate Resources Committee delivered on May 4 of this year. It contains a great deal of information pertaining to what water quality standards are, why we are involved in the process, what role the standards play in water quality permitting, and how the revision process works.

Let me begin by explaining the basis for Alaska's Water Quality Standards. The federal government, through the Clean Water Act, requires all states to create and periodically update standards which establish allowable limits in all natural waters for pollutants that result from human actions. EPA must review and approve all state water quality standards.

Alaska's Water Quality Standards Regulation is in the Alaska Administrative Code, 18 AAC 70. Alaska has had Water Quality Standards for 40 years, predating both statehood and DEC. The territorial Legislature established the Alaskan Water Pollution Control Board in 1949. The first Water Quality Standards were produced in 1952 in a joint effort with the Northwest states and British Columbia. With statehood, the 1952 Standards were translated into the State Administrative Code under the Department of Health and Welfare. DEC inherited the standards when the agency was formed in 1971. Since that time, the State has undergone periodic revisions to those Standards.

The Clean Water Act requires all states go through a formal review process every three years; commonly referred to as the Triennial Review. This process is intended to update the standards and incorporate the "latest" scientific findings in the water quality field. The Triennial Review has several phases: first, a public comment period to solicit proposed modifications; second, preparation of draft revisions by DEC; third, public notice and hearings on the draft revisions; fourth, Departmental adoption and certification by the Attorney General and the Lieutenant Governor; and fifth, review and approval by EPA. If EPA disapproves the State's proposed Water Quality Standards, they can go through rule making and adopt federal standards for

the state.

We consider the current round of revisions as another significant benchmark in the long term process aimed at bringing Water Quality Standards up to a state-of-the-art level. First, we need to make various improvements on the present language and organization of the standards. Second, federal mandates will require adding provisions such as sediment quality criteria, and antidegradation measures. Third, we envision preparing a technical support document that provides guidance on sampling and analytical/mixing zone procedures, protocols, and many other water quality related issues. There will be a continuing process of development followed by public review and comment over the next several years.

These remarks form the first part of the answer to the Committee Chairman's question about the basis for the proposed revisions. The second part lies in a 1987 amendment to the Clean Water Act. The Act requires each state to adopt criteria for EPA's toxic "priority pollutants." This applies to two differing sets of criteria -- first, criteria to protect aquatic life; and second, criteria to protect human health. Alaska some years ago adopted EPA's aquatic life criteria.

It is important to note that there is no proposal or intent to change the aquatic life criteria. These provide a fundamental and sound level of protection for all of Alaska's waters. That is why it is wrong to infer that the proposed revisions will result in a lowering of water quality. We are now proposing adoption of human health criteria, those for dioxin, chloroform, and arsenic. As many of you know, if any state does not adopt the human health criteria, EPA will impose criteria through federal regulation called the National Toxics Rule, issued in draft last November. We believe it is important for Alaska to adopt human health criteria as a part of this Triennial Review process.

Finally, the proposed revisions address a variety of additional matters that add to, modify, and clarify a variety of provisions in the present standards. The notable provisions added pertain to a limit on chronic toxicity of whole effluent, and allowing standards to be set up to natural pollutant levels where natural levels exceed the State criteria. Modifications include changes to certain existing criteria for sediment, color, fecal coliform bacteria and hydrocarbons. Language clarification is proposed for mixing zones, the definition of State waters, and other items.

Adoption of human health criteria. Human health criteria for carcinogenic pollutants protect humans who are exposed by drinking contaminated water or eating contaminated fish and shellfish over a 70-year life span. They are a completely new

layer of standards, and apply only when they are more stringent than aquatic life criteria. Human health criteria can only make existing standards more stringent.

Nonetheless, there are significant issues with respect to human health criteria. These include the cancer "risk level" (one-in-1,000,000 or one-in-100,000), fish consumption rate, bioconcentration factor, and cancer potency factor.

Dioxin. Dioxin is a particular concern. Currently, no federal or State criteria exist for dioxin in marine waters. With the adoption of State human health criteria, any discharge of materials containing dioxin will be limited for the first time.

DEC believes the cancer risk level proposed for dioxin, one-in-100,000, is an acceptable risk. The overall lifetime risk of cancer in the U.S. is roughly one-in-four. This means 25,000 out of every 100,000 citizens may contract cancer. Adding a one-in-100,000 risk from exposure to dioxin would raise the overall cancer risk to 25,001 per 100,000. EPA has approved dioxin criteria at the level proposed, 1.2 parts per quadrillion, for at least ten other states.

Arsenic. Arsenic is another complex issue. Our proposed human health criteria for arsenic are less stringent than EPA's default criteria at one-in-one-million or one-in-one-hundred-thousand. The DEC recognizes the relatively high toxicity of inorganic arsenic, while at the same time acknowledging that fish contain, for example, the organic form of arsenic that has negligible toxicity. The DEC does not believe there is a significant exposure pathway to arsenic toxicity for humans consuming fish. However, we will discuss this with EPA and Food and Drug Administration technical staff.

Mixing Zones. The mixing zone is a volume of water around an industrial discharge in which water quality criteria may be exceeded. Mixing zones have been authorized in our regulations since 1979 and are common practice nationally. Contrary to perceptions, our intent is not to weaken the mixing zone provision. Several additions clearly strengthen the provision. However, we have learned that some of our proposed language fails to accomplish the clarification that we sought. Public comment has been helpful, and the DEC will reexamine that language.

Waters of the State. This definition establishes what types of waters are subject to the water quality standards, and which waters are exempt -- namely ponds, lagoons and impoundments authorized to be used as waste treatment facilities where construction and operation are approved by the Department by permit or plan review. We sought to provide clarification of these exemptions at the recommendation of our field staff and the Attorney General's Office. Our intent is to codify current

policy with regard to treatment facilities. There is no intent to weaken the definition, or to exempt waters unduly. Public comments suggested confusion and concern. We will work with EPA and others to clarify this language.

Other issues. The revisions address other important issues that also have raised concerns, including new provisions for natural pollutant levels and whole effluent toxicity, and modifications to existing criteria for sediment, fecal coliform bacteria, color, total hydrocarbons, and Alaska-specific criteria. The Department would be pleased to receive and address any concerns your Committee may have.

Public process. Now let me discuss our public review process. DEC has conducted this public review in an open manner. We greatly increased our normal public outreach efforts for regulatory matters. We communicated widely with interested parties from both industry and environmental groups. We prepared eight questionnaires on potential revision topics and distributed them to a "working group" list of about 80 individuals, inside and outside of DEC. The public review packet contains a set of issue papers addressing every major topic in the proposed revisions. A preliminary version of some of these issue papers was circulated to working group members in late June, prior to the public review period. While these issue papers have been criticized by some, they clearly have placed the issues squarely before the public and have provided the basis for informed response.

The present formal public review process began July 1. Because of the level of interest in this issue and requests for extension of time, DEC extended the end of the comment period from August 10 until September 30, for a total of 92 days. We issued public notice of the proposed revisions widely, first to six newspapers, and then to a long mailing list of potentially interested parties. The public notice was repeated at least five times, including 14 newspapers in conjunction with the time extension. We have held seven public hearings, including a wrap-up hearing by teleconference in 15 locations on Friday of last week. We issued Public Service Announcements regarding the teleconference to about 40 radio stations.

Our DEC staff report they have spent upwards of 200 hours discussing the proposed revisions with the media, legislative staff, and the public.

Despite these efforts, there is still a perception of some that DEC is proposing to "significantly weaken the State's existing water quality standards", and that this will result in statewide degradation of water quality and reduction of fish populations.

We would like to correct this perception. We have made no

proposal, and have no intent, to change the State's aquatic life criteria. These are the fundamental standards that protect not only fish and shellfish, but the entire freshwater and marine ecosystems. They are the basic standards applied in wastewater discharge permits. Human health criteria will apply only where they are more stringent than aquatic life criteria. There will be no lowering of water quality in this State. The proposed changes to existing criteria are based on improved methods criteria and scientific findings.

The next issue raised by the Chairman relates to the need for the expedited review. The testimony that I presented to the Senate Resources Committee details the need for the pace that the Department has set. In order to accommodate the increased interest in this topic, the Department extended the comment period 51 days and added additional hearings to the original proposed schedule contained within the Senate testimony. The need to deal with these issues, however, still remains.

Failure on the part of the State to adopt human health criteria will result in the federal government adopting rules for the State. The federal government may well adopt a human health risk factor of one additional cancer death in one million and a very conservative cancer potency factor. Our professional staff does not believe this degree of stringency is warranted given the stage that the science which supports these numbers is at. There are debates currently among the nation's best scientists concerning the applicability, methodology, and end result of the techniques that EPA used to arrive at the numbers they are in the process of adopting for Alaska. Key points of this debate and the rationale that the State used in arriving at the risk level we propose to include in the Water Quality Standards are contained within the documentation that was provided in our Public Review packet. In addition, many other states agree with us.

It should be noted that the various federal agencies which deal with health risks have different approaches to defining risk levels. We are, in fact, working with the Environmental Protection Agency, Food and Drug Administration, the U.S. Department of Agriculture in the process of defining Alaska's health risk standards.

To conclude this discussion, let me emphasize two points. First, failure on the part of the State to promulgate "reasonable" standards will result in federal imposition of standards that our analyses find are insupportable for the level of stringency proposed. As a note of interest, there are 14 other states and territories who, like Alaska, are still doing the research which leads to the selection of defensible human health standards. Also, 19 states, having completed that analyses, have selected the 10-5 number that Alaska proposes to select and have received

EPA Approval. (23 states have chosen the 10-6 number). The second point is that the State has a significant number of major water permits under development and the permittees should know what the standard will be. Delay on the part of the State to promulgate standards could result in the imposition of federal standards on these permits.

Because of the public review process underway, the citizens of Alaska will have had a significant voice in the final outcome. That is good. As I stated earlier, the Department went through extraordinary effort to generate and distribute supporting technical data along with the proposed rules in the hopes of generating spirited technical debates.

It should also be noted that the Department established an Alaska Water Quality "Help" group several years ago. This group is composed of members of the environmental protection community as well as the development community. These members have received countless mailings on the topics currently undergoing public review and their input has been sought at every turn of the road. We have been researching these topics for several years and have already appreciated comments or advice from these groups.

The last question posed by the Committee Chairman is by far the most difficult to answer. The determination of the impact of the proposed revisions on the economy, health and welfare of Alaska can only be estimated.

Our intent is to develop effective Water Quality Regulations based on sound scientific analyses. At the same time, the standards should protect Alaska's unique environment and afford Alaskans the opportunity to safely develop new revenue sources. We have attempted to strike a balance between environmental protection and economic opportunity.

In this context, let me introduce for the record the summary recommendations of the Task Force which has been reviewing the water-sanitation needs of rural Alaska. The recent series on this subject in the Anchorage Daily News clearly defined the problem. The Task Force's recommendations suggest ways to correct this problem. Alaska must have a strong economy to deal with this and other environmental health issues. Your views on the task force recommendations would be helpful.

Each one of us will likely have different views on what is the best balance between environmental protection and economic opportunity. I believe that by working together the people of Alaska can protect water quality and other environmental values. At the same time we can strengthen Alaska's economy so that environmental health problems like the water and sanitation conditions of rural Alaska can be improved.

Testimony before Alaska State Legislature
House Resource Committee
Al Ewing, Assistant Regional Administrator
Environmental Protection Agency
October 3, 1992

Good Morning. My name is Al Ewing. I am the Director of EPA's Alaska Operations Office. Sally Marquis, our water quality standards coordinator responsible for working with the state of Alaska, and I are here at the request of Representative Cliff Davidson. Representative Davidson asked us to address questions regarding the relationship between federal and state water quality laws and regulations.

The mission of EPA is to protect human health and the environment. The specific objective of the Clean Water Act "is to restore the chemical, physical, and biological integrity of the Nation's waters." The Clean Water Act often delegates authority to the states. The rationale behind this delegation is that the states are in a better position to understand the specific and unique situations that may exist within their borders.

Regarding the water quality standards, the Clean Water Act has delegated authority to the states. Currently, EPA is in the process of reviewing proposed state standards; hence, my presence here today.

In order to understand the process we are involved in, it is important to understand the roles and responsibilities of the public, the state and EPA. EPA's role is to support your state in developing your standards and to ensure that they are consistent with federal mandates. Specifically, we:

- Ensure adequate public involvement and review of proposed regulations;
- Ensure the scientific defensibility of the regulations; and
- Ultimately support the development of regulations that support human health and the environment and are within the scope of requirements of the Clean Water Act.

EPA provides support for states in developing regulations in a number of ways. The agency conducts studies which address scientific and technical issues; develops national policies based on the best scientific data; and provides a national perspective. At the regional level, we provide the link between the expertise which EPA has to offer and the state.

Because EPA approval is critical both to the state and the agency, states typically involve EPA all through the process. But what happens if there is conflict? This depends upon the parties involved. I would like to address this from EPA's perspective. Three typical scenarios come to mind:

- 1) Disagreements within the state.
EPA does not mediate disputes within a state's borders. As a public agency, we provide information to any group or individual requesting information, provided that the information is not "pre-decisional" or of a confidential nature. We are committed to maintaining impartiality.
- 2) Disagreements between states or, between a state and Native Americans.
Initially, EPA will encourage the parties to resolve their own differences. If there is an impasse, EPA will offer assistance in resolving disputes. This sort of dispute often results from contamination of downstream waters. A fundamental premise is that downstream water quality standards must be met.
- 3) Conflicts between states and EPA.
When the states submit draft regulatory language, EPA will respond. If concerns are significant, EPA will make every effort to resolve the concerns before the standards are adopted. In the vast majority of cases, conflicts are resolved in this manner.

Generally, EPA will approve state regulations within 60 days. If EPA determines that the water quality standards are not approvable, EPA must notify the state and specify what changes need to be made within 90 days. The state then has 90 days to adopt changes.

If a state does not adopt the necessary changes, EPA must move to override state regulations. However, the state regulations remain in effect until this process is complete.

I would like to conclude by reiterating four basic points regarding what role EPA plays in states' water quality standards process:

- 1) To ensure public participation has occurred;
- 2) To provide technical, scientific and practical information;
- 3) To ensure scientific defensibility, and;
- 4) To ensure consistency with national requirements.

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

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October 12, 1992

Senators and Representatives
Alaska State Legislature

Dear

This is a status report on the Department of Environmental Conservation's (DEC) efforts to update Alaska's Water Quality Standards. The federal government, through the Clean Water Act, requires all states to create and periodically update Water Quality Standards. These standards establish allowable limits in all natural waters for pollutants that result from human actions. The Clean Water Act requires all states go through a formal review process every three years; commonly referred to as the Triennial Review. Alaska began the present Triennial Review in 1990. The Senate Resources Committee held a hearing on this subject May 4, 1991; the House Resources Committee held a hearing on October 3, 1992.

Enclosed is a copy of the paper: "The Importance of Updating Alaska's Water Quality Standards", prepared for the October 6, 1992 meeting of the Alaska State Chamber of Commerce. This paper summarizes the triennial Review process now underway. The present, public review process began July 1. DEC extended the end of the comment period from August 10 until September 30. The Department extended the public comment period another month to October 31, 1992. During this month, DEC will also be working with the Environmental Protection Agency (EPA) to resolve technical issues raised in their draft comments (also enclosed).

From the enclosures, you will note that the DEC proposes no changes in the AQUATIC LIFE CRITERIA. These are the fundamental standards that protect not only fish and shellfish, but the entire freshwater and marine ecosystems. The Department is proposing the adoption of new HUMAN HEALTH CRITERIA for carcinogenic pollutants. As you may know, if any state does not adopt its own human health criteria, EPA will impose criteria through federal regulation called the National Toxics Rule, which was issued in draft form last November. We believe it is important for Alaska to adopt human health criteria as a part of this Triennial Review process. Some aspects of the proposed human health criteria have generated concern - particularly the level of lifetime cancer risk to be adopted by the State.

CORRECTION

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

Testimony before Alaska State Legislature
House Resource Committee
Al Ewing, Assistant Regional Administrator
Environmental Protection Agency
October 3, 1992

Good Morning. My name is Al Ewing. I am the Director of EPA's Alaska Operations Office. Sally Marquis, our water quality standards coordinator responsible for working with the state of Alaska, and I are here at the request of Representative Cliff Davidson. Representative Davidson asked us to address questions regarding the relationship between federal and state water quality laws and regulations.

The mission of EPA is to protect human health and the environment. The specific objective of the Clean Water Act "is to restore the chemical, physical, and biological integrity of the Nation's waters." The Clean Water Act often delegates authority to the states. The rationale behind this delegation is that the states are in a better position to understand the specific and unique situations that may exist within their borders.

Regarding the water quality standards, the Clean Water Act has delegated authority to the states. Currently, EPA is in the process of reviewing proposed state standards; hence, my presence here today.

In order to understand the process we are involved in, it is important to understand the roles and responsibilities of the public, the state and EPA. EPA's role is to support your state in developing your standards and to ensure that they are consistent with federal mandates. Specifically, we:

- Ensure adequate public involvement and review of proposed regulations;
- Ensure the scientific defensibility of the regulations; and
- Ultimately support the development of regulations that support human health and the environment and are within the scope of requirements of the Clean Water Act.

EPA provides support for states in developing regulations in a number of ways. The agency conducts studies which address scientific and technical issues; develops national policies based on the best scientific data; and provides a national perspective. At the regional level, we provide the link between the expertise which EPA has to offer and the state.

For the states, responsibilities run roughly parallel to federal responsibilities. The states must:

- Ensure adequate public involvement and review of proposed regulations;
- Ensure the scientific defensibility of the regulations;
- Ultimately develop regulations that support human health and the environment; and
- Obtain approval from EPA that the regulations are within the scope of requirements of state and federal statutes.

For the public, forums such as this provide you with an opportunity to express your opinions and concerns. It is important to recognize that both the state and EPA are operating under both state and federal laws and guidance. Public hearings and public opinion may influence decisions as long as the final rules are in compliance with state and federal requirements.

This raises the question, "How much flexibility is there?" In the case of the Clean Water Act, EPA's job is to ensure that state actions are consistent with federal requirements. Beyond this, states may exercise their own judgement. In the case of water quality standards, this depends on the specific issue, the specific contaminant, the specific situation. For example, standards for "priority pollutants" for which data abounds may be relatively rigid; whereas standards for unregulated contaminants may be quite flexible.

So, where are we now in this process with regard to Alaska? EPA, the state and the public are currently involved in the triennial review of Alaska's water quality standards. This periodic review is essential if we are to have standards based on the most current field work and scientific data. It also allows us to modify existing standards based upon experience gained from Alaska and other states.

Although there is considerable flexibility in the way states conduct their triennial reviews, the essential elements typically include:

- Water quality standards are reviewed to identify needs, and public review is requested;
- Initial public comment is considered and regulatory language is proposed;
- Public hearings are held and comments received;
- Language is revised as appropriate;
- The regulations are formally adopted by the state and become state law;
- The regulations are submitted to EPA for approval, and;
- Should EPA disapprove the regulations, the state's regulations remain in effect as law until the state revises its standards or until EPA "overrides" state law, a process which can take some time.

Because EPA approval is critical both to the state and the agency, states typically involve EPA all through the process. But what happens if there is conflict? This depends upon the parties involved. I would like to address this from EPA's perspective. Three typical scenarios come to mind:

- 1) Disagreements within the state.
EPA does not mediate disputes within a state's borders. As a public agency, we provide information to any group or individual requesting information, provided that the information is not "pre-decisional" or of a confidential nature. We are committed to maintaining impartiality.
- 2) Disagreements between states or, between a state and Native Americans.
Initially, EPA will encourage the parties to resolve their own differences. If there is an impasse, EPA will offer assistance in resolving disputes. This sort of dispute often results from contamination of downstream waters. A fundamental premise is that downstream water quality standards must be met.
- 3) Conflicts between states and EPA.
When the states submit draft regulatory language, EPA will respond. If concerns are significant, EPA will make every effort to resolve the concerns before the standards are adopted. In the vast majority of cases, conflicts are resolved in this manner.

Generally, EPA will approve state regulations within 60 days. If EPA determines that the water quality standards are not approvable, EPA must notify the state and specify what changes need to be made within 90 days. The state then has 90 days to adopt changes.

If a state does not adopt the necessary changes, EPA must move to override state regulations. However, the state regulations remain in effect until this process is complete.

I would like to conclude by reiterating four basic points regarding what role EPA plays in states' water quality standards process:

- 1) To ensure public participation has occurred;
- 2) To provide technical, scientific and practical information;
- 3) To ensure scientific defensibility, and;
- 4) To ensure consistency with national requirements.

Again, EPA is interested in working with the state throughout this process in order to achieve the mutual goal of implementing water quality standards in a manner which is responsive to the citizens, protective of the environment and consistent with national policy.

Thank you.

STATE OF ALASKA

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Human Health Criteria for carcinogenic pollutants protect humans who are exposed by drinking contaminated water or eating contaminated fish and shellfish over a 70-year life span. They are a completely new layer of standards, and apply only when they are more stringent than aquatic life criteria. Human Health Criteria can only make existing standards more stringent. Nonetheless, there are significant issues with respect to Human Health Criteria. These include the cancer risk level (one in 100,000 or one in one million), fish consumption rate, bioconcentration factor, and cancer potency factor.

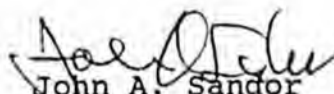
Dioxin is a particular concern. Currently, no federal or State criteria exist for dioxin in marine waters. With the adoption of State human health criteria, any discharge of materials containing dioxin will be limited for the first time. DEC believes the cancer risk level proposed for dioxin, one in 100,000 is an acceptable risk. The overall lifetime risk of cancer in the U.S. is roughly one in four. This means 25,000 out of every 100,000 citizens may contract cancer. Adding a one in 100,000 risk from exposure to dioxin would raise the overall cancer risk level to 25,001 per 100,000. EPA has approved dioxin criteria at the level proposed, 1.2 parts per quadrillion, for at least ten other states.

Arsenic is another complex issue. The DEC recognizes the relatively high toxicity of inorganic arsenic, while at the same time acknowledging that fish contain primarily the organic form of arsenic that has negligible toxicity. The DEC does not believe there is a substantial exposure pathway to arsenic toxicity for humans consuming fish. However, we will review this matter with EPA and Food and Drug Administration technical staff.

These points illustrate some of the complexities involved in developing Human Health Criteria for Alaska. The Department believes that the State should develop its own criteria, rather than be subject to the criteria which may be imposed when the National Toxics Rule is finally adopted. The DEC expects to develop the final revisions to the States Water Quality Standards following the close of the public comment period October 31, 1992, and our technical review with EPA.

If you have any questions or comments on these or other issues related to Alaska's Water Quality Standards, I and the DEC's professional staff would be pleased to discuss them.

Sincerely,


John A. Sandor
Commissioner

Enclosures: EPA's October 5, 1992 Draft Comments
Paper on Alaska's Water Quality Standards

STATE OF ALASKA

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THE IMPORTANCE OF UPDATING ALASKA'S WATER QUALITY STANDARDS¹

October 6, 1992

INTRODUCTION:

The federal government, through the Clean Water Act, requires all states to create and periodically update Water Quality Standards. These standards establish allowable limits in all natural waters for pollutants that result from human actions. The Clean Water Act requires all states go through a formal review process every three years; commonly referred to as the Triennial Review. Alaska began the present Triennial Review in 1990, prior to the change of Administration.

Alaska has had water quality standards for 40 years, predating both statehood and the creation of the Department of Environmental Conservation (DEC). The first Water Quality Standards were produced in 1952 in a joint effort with the Northwest states and British Columbia. DEC inherited the Standards when the agency was created in 1971. Since that time, the State has undergone periodic revisions to those Standards.

Alaska's Water Quality Standards are one of the most important parts of our State's environmental protection programs. They have a significant impact on communities, businesses and individuals. They have a direct day-to-day effect on all Alaskans.

The water quality standards revision process deals with complex, technical issues. The standards in part involve ongoing scientific research and as such are often controversial. Some questions related to health risk may be decades away from final resolution.

1. Paper prepared for the Alaska State Chamber of Commerce Convention, by John A. Sandor, Commissioner, Alaska Department of Environmental Conservation, at Juneau, Alaska on October 6, 1992.

THE TRIENNIAL REVIEW PROCESS:

This process is intended to update the standards and incorporate the "latest" scientific findings in the water quality field. The Triennial Review has several phases: first, a public comment period to solicit proposed modifications; second, preparation of draft revisions by DEC; third, public notice and hearings on the draft revisions; fourth, Departmental adoption and certification by the Attorney General and the Lieutenant Governor; and fifth, review and approval by the Environmental Protection Agency (EPA). If EPA disapproves the State's proposed Water Quality Standards, they can go through rule making and adopt federal standards for the state.

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A 1987 amendment to the Clean Water Act requires each state to adopt criteria for EPA's toxic "priority pollutants". This applies to two different sets of criteria -- first, criteria to protect aquatic life; and second, criteria to protect human health. Alaska some years ago adopted EPA's aquatic life criteria.

It is important to note that THERE IS NO PROPOSAL OR INTENT TO CHANGE THE AQUATIC LIFE CRITERIA. These provide a fundamental and sound level of protection for all of Alaska's waters. These are the fundamental standards that protect not only fish and shellfish, but the entire freshwater and marine ecosystems. They are the basic standards applied in wastewater discharge permits. The Governor has expressly directed that these standards not be weakened.

CRITERIA FOR HUMAN HEALTH:

We are now proposing adoption of new human health criteria; those for dioxin, chloroform and arsenic. As some of you know, if any state does not adopt their own human health criteria, EPA will impose criteria through federal regulation called the National Toxics Rule, issued in draft form last November. We believe it is important for Alaska to adopt human health criteria as a part of this Triennial Review process.

Human health criteria for carcinogenic pollutants protect humans who are exposed by drinking contaminated water or eating contaminated fish and shellfish over a 70-year life span. They are a completely new layer of standards, and apply only when they are more stringent than aquatic life criteria. Human health criteria can only make existing standards more stringent.

Nonetheless, there are significant issues with respect to human health criteria. These include the cancer "risk level" (one in 100,000 or one in one million), fish consumption rate, bioconcentration factor, and cancer potency factor.

Dioxin- Dioxin is a particular concern. Currently, no federal or State criteria exist for dioxin in marine waters. With the adoption of State human health criteria, any discharge of materials containing dioxin will be limited for the first time.

DEC believes the cancer risk level proposed for dioxin, one-in-100,000, is an acceptable risk. The overall lifetime risk of cancer in the U.S. is roughly one in four. This means 25,000 out of every 100,000 citizens may contract cancer. Adding a one in 100,000 risk from exposure to dioxin would raise the overall cancer risk level to 25,001 per 100,000. EPA has approved dioxin criteria at the level proposed, 1.2 parts per quadrillion, for at least ten other states.

Arsenic- Arsenic is another complex issue. The DEC recognizes the relatively high toxicity of inorganic arsenic, while at the same time acknowledging that fish contain, for example, the organic form of arsenic that has negligible toxicity. The DEC does not believe there is a significant exposure pathway to arsenic toxicity for humans consuming fish. However, we will discuss this with EPA and Food and Drug Administration technical staff.

Mixing Zones- The mixing zone is a volume of water around an industrial discharge in which water quality criteria may be exceeded. Mixing zones have been authorized in our regulations since 1979 and are common practice nationally. We have received some excellent suggestions for clarifying this language, and our professional staff is considering these suggestions.

Waters of the State- This definition establishes what types of waters are subject to the water quality standards, and which waters are exempt -- namely ponds, lagoons and impoundments authorized to be used as waste treatment facilities where construction and operation are approved by the Department by permit or plan review. Again, we have received suggestions for improving this language, and those are also being considered.