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and extreme areas must achieve additional annual reductions of three percent of emissions after the first six years.

Controls on Smaller Polluters: Increasingly smaller sources of pollution will be regulated in more heavily polluted areas. At present, sources that annually emit over 100 tons of pollution must apply certain controls. As categories become stricter, and deadlines approach, controls are required on sources that emit 50 tons per year, then 25 tons per year, then 10 tons per year.

Interstate Transport of Pollution: A Northeast Interstate Transport Region is created, with provisions to establish others. In this region are: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, the District of Columbia and Northern Virginia (the DC metropolitan area). All areas within the region, including those which comply with air pollution standards, must regulate smaller sources of pollution than are now controlled, adopt enhanced Inspection and Maintenance (I/M) programs to regulate motor vehicle emissions, and adopt all federally recommended controls. A process is established to require additional controls, where necessary.

Federal Implementation Plans: The new law retains the current provision requiring the federal government to issue a federal plan for controlling air pollution if a state or locality fails to do so.

Other control measures: Some areas are required to install Stage II Vapor Recovery controls, a system of hoses and nozzles to collect vapors escaping into the atmosphere when refueling vehicles. (Stage I Vapor Recovery is already mandatory for all nonattainment areas. Stage I recovers fumes from refueling storage tanks at gas stations.) After study by the EPA and Department of Transportation, cannisters to collect refueling emissions must be installed on vehicles, and some areas will be allowed to drop the Stage II controls. All nonattainment areas will have to implement a motor vehicle emissions I/M program, with some areas required to design a more advanced program.

Carbon Monoxide Nonattainment

41 metropolitan areas are not in compliance with carbon monoxide (CO) standards. Approximately 80 percent of the CO problems are caused by vehicles (mobile sources), the focus of control strategies. Because carbon monoxide pollution results from incomplete combustion of fuel, it tends to be the worst during cold seasons when vehicles require warm-up periods before operating at peak efficiency.

Categories: Areas are classified according to the degree to which they are out of attainment, similar to the ozone nonattainment categories. Controls will vary according to the category. Enhanced I/M programs, demonstrating that an area is regularly reducing emissions at levels to reach attainment, adoption of transportation control measures, and implementation of oxygenated fuels programs are likely control strategies.

Table 4 outlines control measures required for the two carbon monoxide categories.

Table 5 lists the areas likely to be classified into each category.

Oxygenated fuels: All carbon monoxide nonattainment areas are required to use some level of oxygenated fuels. Under these programs, additives such as ethanol or MTBE, a derivative of natural gas, are blended with gasoline to increase oxygen content. This helps fuel burn with fewer harmful emissions.

Other controls: Some other controls required in carbon monoxide nonattainment areas are enhanced I/M programs and clean-fuel programs. Transportation control measures such as high occupancy vehicle programs, improved public transit, parking fees and restrictions, and tolls to discourage driving during peak hours may be implemented. See Title II of the new legislation for additional controls on mobile sources that ultimately improve air quality in carbon monoxide nonattainment areas.

Particulate Matter

Particulate matter from urban dust, residential wood burning, forestry, and agricultural practices has increasingly been recognized as a key contributor to this country's polluted air. Therefore, provisions are included in the new law to control "fine" particulate matter, referred to as PM-10. Similar to the ozone and carbon monoxide control strategies, categories are established, deadlines imposed for reaching air quality standards, and some control methods outlined. More planning and program design to control PM-10, however, is left to the states than with ozone and carbon monoxide control programs.

Mobile Source Controls (Title II)

The Clean Air Act Amendments of 1990 include major new provisions for the control of vehicular tailpipe emissions. This spreads the burden for reducing pollution between both stationary and mobile sources. Major provisions include:

Vehicle Tailpipe Emission Standards: These standards are to be implemented in two phases. During the first phase ("Tier I"), cars and light duty trucks must meet standards currently in effect in California. For cars, this means an approximate 30 percent cut of VOCs and a 60 percent cut in NO_x. In addition, vehicles must meet these standards over 10 years or 100,000 miles (the vehicle's "useful life") versus the current 5 year or 50,000 mile requirement. However, they will only be subject to recall for 7 years or 75,000 miles if they fail to meet intermediate standards.

The phase-in of tier I standards occurs over a three year period ending with total compliance in model year 1996. The second phase of stricter standards ("Tier II") will be implemented only if the EPA conducts a study that finds the second set of standards necessary, technologically feasible, and cost effective. However, if no study is conducted, stricter tailpipe standards automatically go into effect beginning January 1, 2003.

Table 6 outlines Tier I and Tier II tailpipe standards and deadlines.

Onboard Control of Refueling Emissions: By November 15, 1991, the EPA and Department of Transportation must consult on the safety of onboard cannisters, and the EPA must then issue regulations governing phase-in of these cannisters. A three year phase-in period begins in the fourth year after the regulation is issued. Once

onboard cannisters are in widespread use, some Stage II Vapor Recovery requirements may be waived.

Carbon Monoxide Emissions at Cold Temperatures: Vehicles tend to emit the greatest amount of carbon monoxide when started in cold temperatures. Therefore the federal test procedure for vehicles must now be revised to reflect "real life" starting conditions (both cold and warm weather starts). Vehicles must now be able to meet standards even when started and operated at temperatures of 20 degrees Fahrenheit. These standards will be phased-in between 1994 and 1996. A second more stringent phase may be implemented at the end of the century if six or more areas still violate the CO standard.

Evaporative Emissions: In summer, gasoline in vehicles tends to evaporate at a faster rate than in winter. EPA will limit allowable levels of these emissions, by regulation.

Warranties: Current law requires manufacturers to provide warranties for emission control related equipment. Under the new law, the warranty period is extended to 8 years or 80,000 miles (from 5 years or 50,000 miles) for major specific emission control equipment such as the catalytic converter, the electronic emissions control unit, the onboard diagnostic system and some other devices. These warranties become effective for model year 1995. For most other parts, the warranty period is shortened to 2 years or 24,000 miles (from 5 years or 50,000 miles).

Fuel Volatility: Volatility is the ease with which a liquid evaporates, thus causing air emissions. Lowering fuel volatility decreases resultant emissions. EPA must develop regulations to require that gasoline meet lower volatility limits during the "high ozone" season (summer). Some states have already done this. Stricter limits may be applicable for nonattainment areas.

Reformulated Gasoline: By the end of one year, EPA must have developed rules that outline cleaner gasoline requirements. Some specifics of this formula are outlined in the Act. Fuels must be certified to achieve, by 1995, reductions in emissions of VOCs and air toxics of 15 percent lower than the level occurring with normal "baseline" gasoline. Emissions must be 25 percent lower than "baseline" by the year 2000.

The nine worst ozone nonattainment areas must use only certified fuels after January 1, 1995. This represents approximately 25 percent of the market. Other nonattainment areas can also choose to participate in this program. However, their participation may be delayed if sufficient domestic capacity does not exist to provide the fuel.

Oxygenated Fuels: All moderate carbon monoxide nonattainment areas (approximately 38) must use oxygenated fuels by November 1992 (minimum oxygen content of 2.7 percent oxygen by weight). Serious carbon monoxide nonattainment areas must also use oxygenated fuels, but those fuels must contain a higher level of oxygen (no less than 3.1 percent oxygen by weight). The most widely discussed oxygenated fuels are the gasoline/ethanol blend (gasohol), the gasoline/methanol blend, the gasoline/MTBE (Methyl Tertiary Butyl Ether) blend, and the gasoline/ETBE (Ethyl Tertiary Butyl Ether) blend.

Clean-Fueled Vehicles: "Clean" fuels include diesel; ethanol; hydrogen; liquified petroleum gas; methanol; natural gas; other alcohols, including mixtures with 85

percent or more alcohol by volume; power sources such as electricity; and reformulated gasoline.

By November 1992, the EPA must promulgate regulations governing clean-fuel vehicle standards for fleets of 10 or more vehicles (capable of central fueling). By 1998, all centrally-fueled fleets in 26 areas (all serious, severe, and extreme ozone nonattainment areas and serious carbon monoxide nonattainment areas) must purchase at least 30 percent of their fleet to meet California standards. If such vehicles are not being offered for sale in California, the program is delayed until model year 2001. Over three years, the purchase percentage must go up to 70 percent of new cars and trucks added to the fleet.

Table 7 outlines the clean-fueled vehicles standards.

California Pilot Test Program: A program to be developed for California will demonstrate the effectiveness of clean-fueled vehicles to control ozone pollution. At a minimum, the program will require that 150,000 clean-fueled vehicles be produced, sold and distributed each year from 1996 through 1998. Beginning with 1999, that number must rise to 300,000. EPA must report to Congress by June 30, 1998 on program effectiveness.

Serious, severe, and extreme ozone nonattainment areas are thorized to opt-in to the program, with EPA required to develop an incentive prog n. However, no provisions are included to require production, sale or distribu n of vehicles in these areas, and no penalties apply to manufacturers in these as who fail to supply the vehicles or fuel necessary for program workability.

Urban buses: Particulate matter standards are established for buses used in urban mass transit programs. These standards require a 50 percent reduction (by 1994) from the levels that are now allowed.

Toxic Air Pollution (Title III)

The new law lists 189 chemicals that must be regulated and includes a procedure for EPA to add or delete chemicals from the list. Eight chemicals are currently regulated. EPA must set technology-based standards for all industries, utilities and other sources emitting these pollutants in major quantities. Of the 189 listed pollutants, EPA must issue regulations on at least 41 of them within the first two years. The required technologies must be installed on polluting sources within 10 years.

After applying the specified technologies, additional controls may be required if the existing controls do not protect public health with an "ample margin of safety" (term used in Clean Air Act Amendments of 1990.) EPA is required to conduct a study to help define "ample margin of safety." The additional mandatory controls must be phased-in over a 15 - 25 year period from the new law's enactment date.

EPA is required to set standards to control air emissions from municipal, hospital, commercial and industrial incinerators. Cost, health impacts, environmental impacts and energy requirements must be factored to determine the maximum level of emissions reductions required by the standards. The law also prohibits EPA from regulating ash from municipal solid waste incinerators for two years. This latter

issue is likely to be included in the reauthorization of the Resource Conservation and Recovery Act during the 102nd Congress.

Acid Deposition Control (Title IV)

Basic provisions of this section require major reductions in the amount of sulfur dioxide (SO_2) and nitrous oxides (NO_x) by the year 2000 through a phased-in control program. In addition, market-based forces are employed to help balance the burdens of the control program.

Reduction of Emissions: SO_2. By the year 2000, utility power plants must reduce their sulfur dioxide emissions by 10 million tons per year from 1980 levels. A cap is imposed on annual emissions after 2000 so that total emissions can be no more than 8.9 million tons per year.

Reduction of Emissions: NO_x. Starting in 1995, utilities must reduce nitrous oxides by two million tons per year from 1980 levels.

Allowances: Marketable "allowances" help implement SO_2 reductions. Utilities receive allowances based on how much they must reduce their emissions and on their past energy use. (An allowance is equal to one ton of emissions.) Utilities must have enough allowances "banked" to cover the level of emissions they will have. If they have more emissions than allowances, they must purchase additional allowances from a utility somewhere else that has more allowances than emissions. Allowances are implemented in two phases, with 10 midwestern states receiving bonus allowances in Phase II if they have made reductions in Phase I. Additional allowances are granted to utilities that use energy conservation to reduce emissions ahead of schedule, construct renewable energy power plants, or purchase electricity from such plants.

Cost Sharing: No specific cost sharing provisions, such as emission fees or electricity taxes, were included in the bill even though it contains the system of allowances.

Clean Coal Technology: If a power plant chooses to install clean coal technology, it will be given a 4 year extension to meet the emissions deadlines. Some facilities that adopt clean coal technology programs will be released from meeting certain other air quality standards. Clean coal technology is defined as any technology, not currently in widespread use, that significantly reduces emissions of sulfur dioxide and nitrous oxides during the use of coal for the generation of electricity, process steam, or industrial products.

Permits (Title V)

This part of the Clean Air Act is considered by many to be the area of greatest impact on states. As a result of this Title, major pollution sources (and some others) must obtain operating permits issued by state and local agencies. Permits become the tool to ensure compliance with requirements from many other sections of the new law. Until now, there has been been no federal requirement for permits, although 35 states currently require permits for many sources of air pollution.

Under the new law, states are required to establish and operate extensive permit programs to allow only certain amounts of pollution to enter the atmosphere. Emissions above those levels are prohibited. The federal law also requires that states charge a fee for permits and that the fee be sufficient to cover the administrative costs of the permit program. The law sets the minimum fee at $25 per ton of pollutant emitted (or an aggregate sum for all emissions that is equivalent to $25 per ton). States are given flexibility to decide how much to charge which types of polluters. The fee must be adjusted annually relative to the Consumer Price Index. Extensive state recordkeeping is necessary to prove to EPA that all funds collected by this levy are spent only on the permit program. Any other expenditure is considered a violation of the law.

Since these monies may be spent only on the air pollution permit program, states will need to set up dedicated funds, as recommended in the law, or guarantee to EPA that channeling the monies through general revenue funds does not diminish monies that go to the program. The new legislation envisioned this fee as a dependable long-term funding source for air pollution control. Permit programs and associated costs comprise the majority of state air program costs (at least 70 percent in some cases), but other air program costs still need to be funded through Section 105 grants from EPA and corresponding state matching funds, as well as some additional state general revenue.

Some examples of fees used by state or local air agencies include:

- o Auto registration fees;
- o Indirect source programs such as requiring employer-based ridesharing plans be approved by the agency, with a fee charged;
- o Annual operating fees;
- o Permit fees for new sources; and
- o Emissions fees.

States must establish a collection system for the fees if one does not exist. This could be accomplished through the air agency, or some other appropriate agency designated by the legislature, so long as all benefits from those monies accrue to the air program.

State legislative action may be needed to ensure a state has the authority to:

- o Set and collect fees;
- o Retain those fees;
- o Roll the fees over at the end of the year if unexpended or guarantee application of those fees to the permit program in the next year;
- o Revise the fee schedule;
- o Expend the money;
- o Issue permits with a fixed term of no more than 5 years; and

- o Enforce the law, including civil and criminal penalties.

Table 8 contains a preliminary outline of issues state legislatures may need to address as a result of requirements in the Permit Title of the new federal Clean Air Act. In the next few months, EPA and state and local air pollution control agencies will examine and refine this list.

The transition to the new program with all the promised benefits will not be easy. First, EPA has until November 15, 1991, one year from enactment, in which to issue final regulations to govern state permit programs. During this time EPA must also issue numerous other major regulations for other sections of the law. Draft regulations are expected in late March or early April. Prior to final issuance of the regulations, there will be a public comment period.

States then have two years (until November 15, 1993) to submit an approvable program to EPA. If a state fails to develop or enforce an acceptable program, EPA can impose sanctions (withholding of highway funds and offsets) or collect the fees, keep the money, and run the state program. If after 18 months the state has not developed its plan, sanctions are mandatory. If after two years the state has not acted, the federal government must implement the program.

There may be strategies to help states smooth the transition. For example, states may be able to receive partial or interim authorization for the permit program, that allows the fee system to operate and fund the program while the final permit program is being developed. Ironically, many states may not have money or manpower to develop a new permit program sufficiently to achieve interim approval. The EPA and states continue to discuss options to ease the transition. NCSL will provide state legislators with additional information as it becomes available.

Finally, the new law gives EPA the authority to veto or require changes in any permits issued by a state. The permit would then be revised and resubmitted prior to final approval.

Stratospheric Ozone Depletion (Title VI)

Depletion of upper atmosphere ozone increases exposure to harmful ultraviolet radiation. Provisions of the Clean Air Act are designed to eliminate major causes of that depletion: chlorofluorocarbons (CFCs) and their substitutes, hydrochlorofluorocarbons (HCFCs). These provision are compatible with, and in some cases stricter than, the Montreal Protocol, a major international agreement to control production and use of these compounds.

Lists: By January 15, 1991, EPA must develop two lists: Class I substances including chlorofluorocarbons (and a few other major chemicals) and Class II substances including hydrochlorofluorocarbons, the substitutes most likely to be used during the transition to CFC-free products. EPA must review these lists at least every three years and add substances as appropriate.

Phase-Out: Production of the five most destructive CFCs will be phased-out by the year 2000, along with some other chemicals on the Class I list. Production levels of Class II substances will be frozen in the year 2015. New uses for these substances will be limited by 2015, except for their use as refrigerants which will be restricted in

2020. Production of HCFCs will be banned in 2030. This phase-out schedule for CFCs is stricter than that in the Montreal Protocol, and the Protocol does not provide for mandatory HCFC phase-out. There are some exemptions and deadline extensions outlined in the new law.

EPA can require faster phase-out schedules if EPA determines it is necessary to protect health or the environment, if it is scientifically practical, or if the Montreal Protocol is tightened.

Recycling and Disposal: By 1992, refrigerants from motor vehicle air conditioners must be recycled. Furthermore, anyone servicing these air conditioners must be properly trained and certified. By July 1992, EPA must set standards for disposal of Class I and Class II substances, including motor vehicle air conditioner refrigerants. Venting of these substances during appliance repair or maintenance is prohibited.

State Preemption: For two years after enactment, the bill preempts state and local governments from enforcing requirements on the design of new or recalled household and commercial appliances if those requirements are to protect the stratospheric ozone layer.

Other provisions: Three years from enactment (November 15, 1993), non-essential uses of CFCs and HCFCs will be banned. This includes uses such as noise horns, party streamers, cleaning fluids for noncommercial photo and electronic equipment and other consumer products. EPA must promote development of safe substitutes for ozone-depleting substances. Warning labels must be instituted on products containing or made with ozone-depleting substances.

Enforcement (Title VII)

Provisions in the new law attempt to make the Clean Air Act more enforceable and provide a better match between violation and penalty. However, some new restrictions on enforcement were added. New, expanded enforcement authority includes the ability to issue a ticket on the spot for violations of the act, and to increase criminal violations to felonies from misdemeanors.

Other Titles (VIII through XI)

Other titles of the Act include miscellaneous provisions which address, among other things, air pollution from activities on the Outer Continental Shelf and visibility; clean air research; disadvantaged business concerns; and clean air employment transition assistance.

V. STATE LEGISLATIVE ACTION

State and local agencies will be responsible for primary implementation of the new Clean Air Act, even though much of their activity cannot commence until the federal government issues rules, regulations and guidance documents. State legislatures must work closely with environmental protection agencies and air pollution control programs to ensure adequate and consistent progress to implement and enforce the new law.

Several major areas which require specific legislative action in the immediate future include:

Permit programs and fees: Major new programs must be created and funded while current programs must be upgraded. State legislatures must act quickly to authorize fee programs to keep the federal government from stepping in, collecting the monies and running the programs. (See also Section on Permits.)

Authorization of specific pollution control strategies: Programs such as motor vehicle emission I/M programs and Stage II Vapor Recovery, must be authorized by the state legislature. Failure to comply with mandated requirements may result in sanctions which include loss of highway funds and restrictions on building new facilities.

Alternative Fuels, Clean-Fueled Vehicles: Under the new law, states may choose to participate in clean-fueled vehicle programs. State legislatures must authorize that participation.

Enforcement: State legislatures must review current state penalties for violations of the Clean Air Act and upgrade them as directed in the new law.

VI. FURTHER INFORMATION

Further information about the Clean Air Act may be obtained from Nancy A. New, Committee Director for Environment and Natural Resources, in the NCSL Washington Office (202/624-5400). In addition, the following documents may prove helpful:

1. *Clean Air Act Amendments of 1990.* Conference Report to Accompany S. 1630. Report 101-952. Available from the Government Printing Office, 710 North Capitol Street N.W., Washington, DC 20410. Phone: 202/275-2091. Price: $11. (This is the actual legislative language of the amendments.)

2. *Summary of the Clean Air Act Amendments of 1990.* Prepared by the State and Territorial Air Pollution Program Administrators and the Association of Local Air Pollution Control Officials (STAPPA/ALAPCO). November 21, 1990. S. William Becker, Executive Director. Available from NCSL Washington Office or by contacting STAPPA/ALAPCO at 202/624-7864.

3. *The Clean Air Act Amendments of 1990.* Summary Materials. U.S. Environmental Protection Agency. November 15, 1990. Approximately 20 pages; includes glossary, one page title summaries.

4. *Clean Air Act Amendments of 1990.* Detailed Summary of Titles. U.S. Environmental Protection Agency. November 30, 1990. Approximately 150 pages; includes a detailed summary of all titles.

5. *Implementation Strategy for the Clean Air Act Amendments of 1990.* U.S. Environmental Protection Agency. January 15, 1991.

Items 3, 4, and 5 above may be obtained by contacting the U.S. Environmental Protection Agency, Office of Air and Radiation, ANR-443, 401 M Street, SW, Washington, D.C. 20460. Phone: 202/382-7400.

6. *Air Pollu. : Air Quality Implications of Alternative Fuels.* U.S. General Accounting Office. July 1990. GAO/RCED-90-143. Available by contacting the U.S. General Accounting Office, 700 4th Street N.W., Room 1000, Washington, D.C. Phone: 202/275-6241.

APPENDIX

TABLE 1.

Legislative History of The Clean Air Act Reauthorization

1989

January to April	H.R. 2323 introduced by Congressman Henry Waxman (California) regarding Nonattainment.
	H.R. 1496 introduced by Congressman Gerry Sikorski (Minnesota) regarding Acid Rain.
	H.R. 2585 introduced by Congressman Mickey Leland (Texas) regarding Air Toxics.
	H.R. 4 introduced by Congressman John Dingell (Michigan) regarding Air Toxics.
	S. 816 introduced by Senator David Durenberger (Minnesota) regarding Air Toxics.
May 23	House Subcommittee on Health and the Environment held hearings on nonattainment bills. National Conference of State Legislatures testified.
June 12	President Bush announced the Administration's comprehensive clean air proposal addressing nonattainment, air toxics and acid deposition.
July 27	House Energy and Commerce Committee Chair John Dingell (Michigan) introduced the Administration's proposal as H.R. 3030 with almost 140 co-sponsors.
August 3	Ranking Republican of the Senate Environment Committee, John Chafee (Rhode Island), introduced the Administration's proposal as S. 1490.
September 13	Health and the Environment Subcommittee of House Energy and Commerce Committee began series of 11 markup hearings that ran through October 11.
September 14	Senator Max Baucus (Montana), Chair of the Senate Environmental Protection Subcommittee, and Senator George Mitchell (Maine) introduced S. 1630 on nonattainment.
September 27	Senate Subcommittee on Environmental Protection held hearings on nonattainment. National Conference of State Legislatures testified.

October 2	Historical agreement on tailpipe standards reached in House Subcommittee. Agreement bound House members through Conference.
October 11	House Subcommittee sent marked up H.R. 3030 to full Committee by a vote of 21-0.
October 19	Senate Environmental Protection Subcommittee adopted air toxics legislation with a vote of 11 to 0.
October 26	Environmental Protection Subcommittee of Senate Environment and Public Works Committee began markup of clean air legislation. Approved nonattainment language by vote of 10-0.
November 7	Senate Subcommittee voted 7-6 to report motor vehicle provisions.
November 14	Subcommittee finished work on legislation; voted 13-0 to report language on acid rain.
November 16	Senate Environment and Public Works Committee sent Clean Air bill to full Senate by vote of 15-1. Bill now numbered S. 1630; S. Rpt. 101-228.
<u>1990</u>	
January 23	Senate began floor debate on S. 1630.
February 1	Select group of Senators began closed door negotiations with Administration on amendments to S. 1630; floor debate suspended.
March 5	Senator Mitchell announced agreements reached in negotiations; floor debate resumed.
March 14	House Energy and Commerce Committee began markup of H.R. 3030.
April 3	After voting on more than 130 amendments over two and a half months, Senate passed The Clean Air Act Amendments of 1990 by a vote of 89-11.
April 5	House Energy and Commerce Committee passed marked up H.R. 3030 by a vote of 42-1.
May 17	House Public Works and Transportation Committee and House Ways and Means Committee given sequential referral after Energy & Commerce Committee filed report.
May 21	Bill was reported out of Public Works and Ways and Means and sent to full House floor.

May 23	House passed The Clean Air Act Amendments of 1990 by a vote of 401-21 after many last minute compromises and a single day of action on amendments.
June 6	Senate announced its 9 conferees.
June 28	House announced its 138 conferees, with many specific jurisdictional restrictions.
July 13	First meeting of Conferees. Senator Max Baucus (D-Montana) selected as Conference Chairman. House members selected John Dingell as leader of House delegation.
August 3	Conferees reached agreement on stratospheric ozone depletion.
September 14	Conferees reached agreement on Title I. (provisions governing nonattainment), and on permits.
September 14 to October 10	Conferees wrestled with provisions of Title II, mobile sources and fuels. Adopted provisions on October 10.
October 22	Conferees reached final agreement on reauthorization of the Clean Air Act.
October 26	House adopted Conference Report by a vote of 401-25.
October 27	Senate adopted Conference Report by a vote of 89-10.
November 15	The President signed S. 1630, The Clean Air Act Amendments of 1990, Public Law 101-549.

TABLE 2.

Requirements for Ozone Nonattainment Categories

(Current National Ambient Air Quality Standard is 0.120 parts per million. This is a daily maximum one-hour average.)

Marginal Ozone Nonattainment Areas

- Includes areas that are up to 15% over the current standard*
- Have three years to meet the standard
- Must require an emissions inventory with periodic updates as part of the revised State Implementation Plan (SIP)
- Must require basic motor vehicle emissions Inspection and Maintenance (I/M) programs where currently required
- Must have a permit program for new and modified sources of pollution
- Must have Reasonably Available Control Technology (RACT) installed on stationary sources.

Moderate Ozone Nonattainment Areas

All requirements applicable to marginal areas apply in addition to the following:

- Includes areas that are 15% up to 33% over the current standard*
- Have six years to meet the standard
- Must achieve at least a 15% reduction in emissions of volatile organic compounds over a six year period
- Must adopt RACT on all major sources of pollution (those emitting at least 100 tons per year)
- Install Stage II Vapor Recovery in the area (this requirement ceases after EPA publishes regulations for adoption of on-board vapor recovery devices)
- Adopt a basic I/M program throughout the area whether or not I/M was required before
- Require reduction in emission levels of 1.15 units for every 1 unit of new emissions allowed for a new or modified source (this concept is called "offsets").

Serious Ozone Nonattainment Areas:

All requirements applicable to moderate areas apply in addition to the following:

- Includes areas that are 33% up to 50% above the standard*
- Have nine years to meet the standard
- Define major sources as those emitting at least 50 tons per year
- Must achieve an annual 3 percent reduction in volatile organic compounds after six years (this is in addition to the 15 percent over 6 years required in moderate areas)
- Must institute an enhanced I/M program in areas with a population of 100,000 or more (including computerized emissions analyzers, annual testing programs, centralized programs, and other requirements)
- Must adopt transportation control measures if actual emissions from vehicle miles traveled exceed the predictions in the state plan
- Must implement offsets at a rate of 1.2 to 1
- Adopt, in some serious areas, a clean-fueled vehicle program.

Severe Ozone Nonattainment Areas:

All requirements applicable to serious areas apply in addition to the following:

- Includes areas that are 50% up to 133% above the standard*
- Have 15 years to meet the standard (some severe areas will receive 17 years)
- Major sources are defined as emitting at least 25 tons per year
- Must identify, adopt and enforce transportation control measures and strategies that will reduce overall vehicular emissions
- Must require employers with 100 or more employees to increase the average vehicle occupancy during peak periods by 25 percent and to reduce the overall number of trips
- Require offsets at a rate of 1.3 to 1
- Imposes a fee per ton of emissions if area fails to reach attainment by deadline.

Extreme Ozone Nonattainment Areas:

All requirements applicable to severe areas apply in addition to the following:

- Includes areas that are 133% or more above the standard*
- Have 20 years to meet the standard
- Major sources are defined as emitting at least 10 tons per year
- Offset rates are 1.5 to 1
- Require clean-fuel be burned in stationary sources emitting more than 25 tons per year of nitrogen oxides
- Require adoption of transportation control measures during heavy traffic hours
- Imposes a fee per ton of emissions if area fails to reach attainment by deadline.

* Actual values are listed in the legislation.

TABLE 3.

Ozone Nonattainment Areas by Category (Preliminary Listing)

(1987 - 89 data)

EXTREME (1 area)
20-year deadline extension

Los Angeles, Anaheim-Riverside, CA

SPECIAL SEVERE (4 areas)
17-year deadline extension

Baltimore, MD
Chicago, IL-IN-WI
Houston, TX
New York, NY-NJ-CT

SEVERE (4 areas)
15-year deadline extension

Milwaukee, WI
Muskegon, MI
Philadelphia, PA-NJ-DE-MD
San Diego, CA

SERIOUS (16 areas)
9-year deadline extension

Atlanta, GA
Bakersfield, CA
Baton Rouge, LA
Beaumont, TX
Boston, MA-NH
El Paso, TX
Fresno, CA
Hartford, CT
Huntington, WV-KY-OH
Parkersburg, WV-OH
Portsmouth, NH-ME
Providence, RI
Sacramento, CA
Sheboygan, WI
Springfield, MA
Washington, DC-MD-VA

MODERATE (33 areas)
6-year deadline extension

Atlantic City, NJ
Bowling Green, KY
Charleston, WV
Charlotte, NC
Cincinnati, OH-KY-IN
Cleveland, OH
Dallas, TX
Dayton, OH
Detroit, MI
Edmonson, Co., KY
Grand Rapids, MI
Greensboro, NC
Jefferson Co., NY
Kewaunee Co., WI
Knox Co., ME
Louisville, KY-IN
Memphis, TN-AR-MS
Miami, FL
Modesto, CA
Nashville, TN
Pittsburgh, PA
Portland,ME
Raleigh, NC
Reading, PA
Richmond, VA
Salt Lake City,UT
San Francisco, CA
St. Louis, MO-IL
Santa Barbara, CA
Smyth Co., VA
Toledo, OH
Visalia, CA
Worcester, MA

MARGINAL (42 areas)
3-year deadline extension

Albany, NY
Allentown, PA
Altoona, PA
Birmingham, AL
Buffalo, NY
Canton, OH
Columbus, OH
Erie, PA
Essex Co., NY
Evansville, IN-KY
Fayetteville, NC
Greenbrier Co., WV
Greenville, SC

Hancock Co., ME
Harrisburg, PA
Indianapolis, IN
Jacksonville, FL
Johnson City, TN-VA
Johnstown, PA
Kansas City, MO-KS
Knoxville, TN
Lake Charles, LA
Lancaster, PA
Lewiston, ME
Lexington, KY
Lincoln Co., ME
Livingston Co., KY
Manchester, NH
Montgomery, AL
Norfolk, VA
Owensboro, KY
Paducah, KY
Poughkeepsie, NY
Scranton, PA
South Bend, IN
Stockton, CA
Sussex Co., DE
Tampa, FL
Tulsa, OK
Waldo Co., ME
York, PA
Youngstown, OH

TABLE 4.

Requirements for Carbon Monoxide Nonattainment Categories

(Current National Ambient Air Quality Standard is nine parts per million measured as an eight hour standard.)

Moderate Carbon Monoxide Nonattainment Areas

- o Areas that exceed the standard by up to 82%*
- o Have until December 31, 1995 to reach the standard
- o Must submit a plan including an emissions inventory
- o Areas which exceed standard by 41 percent must also include information in the plan that indicates predictions of vehicle miles traveled (VMT)
- o Must also develop contingency plan that goes into effect automatically if vehicle miles traveled exceed the prediction or if the area fails to attain by the deadline
- o Inspection & Maintenance (I/M) programs are required similar to marginal ozone nonattainment areas
- o Require enhanced I/M programs in some parts of moderate CO nonattainment areas
- o Require oxygenated fuels during high CO portions of the year.

Serious Carbon Monoxide Nonattainment Areas

All requirements applicable to moderate CO nonattainment areas apply in serious areas, as well as the following:

- o Areas that exceed the standard by more than 82 percent*
- o Have until December 31, 2000 to reach the standard
- o Require clean-fuel vehicles for fleets
- o Require implementation of an oxygenated fuels program
- o Mandatory implementation of transportation control measures
- o Must achieve annual reductions in CO emissions ("milestones")
- o Failure to achieve reductions will result in mandatory economic incentive and transportation control programs
- o Require controls on sources emitting at least 50 tons per year.

* Actual values are listed in the legislation.

TABLE 5.

Carbon Monoxide Nonattainment Areas by Category
(Preliminary Listing)
(1988-89 data)

SERIOUS (3 areas)
December 31, 2000 deadline for attainment

Los Angeles-Anaheim-Riverside, CA
Steubenville, OH-Weirton, WV
Winnebago, Co., WI

MODERATE (38 areas)
December 31, 1995 deadline for attainment

Albuquerque, NM
Anchorage, AK
Baltimore, MD
Boston-Lawrence-Salem, MA-NH
Chico, CA
Cleveland-Akron-Lorain, OH
Colorado Springs, CO
Denver-Boulder, CO
Duluth, MN
El Paso, TX
Fairbanks, AK
Fort Collins-Loveland, CO
Fresno, CA
Greensboro-Winston Salem-H. Point, NC
Hartford-New Britain-Middletown, CT
Josephine Co., OR
Klamath Co., OR
Las Vegas, NV
Medford, OR
Memphis, TN-AR-MS
Minneapolis-St. Paul, MN
Missoula Co., MT
Modesto, CA
New York, NY-NJ-CT
Philadelphia, PA-NJ-DE
Phoenix, AZ
Portland, OR
Provo-Orem, UT
Raleigh-Durham, NC
Reno, NV
Sacramento, CA
San Diego, CA
San Francisco-Oakland-San Jose, CA
Seattle-Tacoma, WA
Spokane, WA

Stockton, CA
Syracuse, NY
Washington, DC-MD-VA

TABLE 6.

Motor Vehicle Standards in The Clean Air Act Amendments of 1990

Cars and Light Trucks
Standards in grams per mile (gpm)

Current

(Certification and in-use for 5 years/50,000 miles)

Hydrocarbons (Total HC)	0.41 gpm
Carbon Monoxide (CO)	3.4 gpm
Nitrogen Oxides (NO_x)	1.0 gpm

New Law - "Tier I"

(Certification starting in 1994,
in-use phased-in between 1996 & 1998)

	50,000 miles	100,000 miles*
Nonmethane Hydrocarbons (NMHC)	0.25 gpm	0.31 gpm
Carbon Monoxide (CO)	3.4 gpm	5.2 gpm
Nitrogen Oxides (NO_x)	0.4 gpm	0.6 gpm

*An "intermediate" in-use standard (used for all recall decisions up to 7 years/75,000 miles) of 0.32 NMHC, 5.2 CO and 0.4 NO_x will be phased-out between 1994 and 1998.

"Tier II"

(Standards go into effect in 2004 only
if EPA does not act to stop them)

Nonmethane Hydrocarbons (NMHC)	0.125 gpm
Carbon Monoxide (CO)	1.7 gpm
Nitrogen Oxides (NO_x)	0.2 gpm

TABLE 7.

Clean-fueled Vehicles Standards
(in grams per mile-gpm)

PHASE I. Standards to take effect in model year 1996.

Pollutant	50,000-mile standard	100,000-mile standard
Light-duty vehicles (LDV), and light-duty trucks (LDT) weighing up to 3,750 pounds, loaded vehicle weight (LVW), and up to 6,000 pounds gross vehicle weight rating (GVWR).		
Nonmethane Organics (NMOG)	0.125 gpm	0.156 gpm
Carbon Monoxide (CO)	3.4 gpm	4.2 gpm
Nitrogen Oxides (NO_x)	0.4 gpm	0.6 gpm
Formaldehyde (HCHO)	0.015 gpm	0.018 gpm
Particulate Matter (PM)*	----	0.08 gpm
*(diesel fueled vehichles only)		

Pollutant	50,000-mile standard	100,000-mile standard
LDV and LDT weighing more than 3,750 pounds lvw and up to 5,750 pounds lvw, and up to 6,000 pounds gvwr.		
NMOG	0.160 gpm	0.2 gpm
CO	4.4 gpm	5.5 gpm
NO_x	0.7 gpm	0.9 gpm
HCHO	0.018	0.023 gpm
PM*	----	0.08 gpm

PHASE II.

Standards to take effect in model year 2001. After 1997 and prior to 2001, if such vehicles are offered for sale in California, the standards become effective.

Pollutant	50,000-mile standard	100,000-mile standard
LDV and LDT up to 3,750 pounds lvw and up to 6,000 pounds gvwr.		
NMOG	0.075 gpm	0.090 gpm
CO	3.4 gpm	4.2 gpm
NO_x	0.2 gpm	0.3 gpm
HCHO	0.015 gpm	0.018 gpm
PM*	----	0.08 gpm

Pollutant	50,000-mile standard	100,000-mile standard
LDV and LDT weighing more than 3,750 pounds lvw and up to 5,750 pounds lvw and up to 6,000 pounds gvwr.		
NMOG	0.1 gpm	0.13 gpm
CO	4.4 gpm	5.5 gpm
NO_x	0.4 gpm	0.5 gpm
HCHO	0.018 gpm	0.023 gpm
PM*	----	0.08 gpm

TABLE 8.

State Legislative Authority Needed for Air Pollution Permit Programs (Title V)
(Preliminary listing)

- Authority to charge and collect fees equivalent to $25 per ton--Section 502(b)(3); 502(b)(3)(B)(i)
- Ability to increase annual permit fees proportional to annual increases in the Consumer Price Index--Section 502(b)(3)(B)(v)
- Permit fees must be used solely to cover costs of state and local program--Section 502(b)(3)(C)(iii)
- Authority to require permitted sources to monitor and to report--Section 502(b)(2)
- Authority to issue renewable operating permits, permits must be renewable every five years or less--Section 502(b)(5)(A); 502(b)(5)(B)
- Ability to incorporate enforceable conditions into operating permits--Section 502(b)(5)(C)
- Ability to terminate, modify, or revoke and reissue operating permits for cause--Section 502(b)(5)(D)
- Authority to enforce permit conditions, fee requirements, and requirement to obtain a permit--Section 502(b)(5)(E)
- Authority to collect civil penalties of at least $10,000 per day per violation and "appropriate" criminal penalties--Section 502(b)(5)(E)
- Authority to not issue a permit if EPA objects to its issuance--Section 502(b)(5)(F)
- Ability to provide public notice including the opportunity for public comment and hearing--Section 502(b)(6)
- Opportunity for judicial review in State court of the final permit--Section 502(b)(6)
- Ability of persons of standing to obtain judicial review for the failure of the permitting authority to act on a permit application--Section 502(b)(7)
- Authority to make available to the public permit applications, compliance plans, permits and monitoring or compliance reports--Section 502(b)(8)
- Ability to incorporate new standards into a permit with three or more years remaining before renewal--Section 502(b)(9)

- Ability to allow some changes to occur within a permitted facility without requiring a permit revision--Section 502(b) (10)
- Ability to obtain entry and inspect permitted sources to assure compliance--Section 502(c)
- No automatic/default permit issuance (i.e., if State fails to act)
- Ability to permit a source in violation
- Ability to incorporate Federal Implementation Plan (FIP) provisions into a permit.

Source: State and Territorial Air Pollution Program Administrators/Association of Local Air Pollution Control Officials

State-Federal Issue Brief

National Conference
of State Legislatures
1560 Broadway, Suite 700
Denver, Colorado 80202

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Anchorage air quality in the '90's

Air pollution problems

Pollutants in Anchorage air have exceeded safe levels since they were first measured in 1973. Carbon monoxide and small particulates (dust and soot) continue to exceed federal standards, and on calm days the mountains around Anchorage are obscured by haze.

Pollutants in Anchorage air have exceeded safe levels since they were first measured in 1973.

Inversions

Anchorage is in a "bowl" at the base of the Chugach Mountains along the upper reaches of Cook Inlet. These mountains can shelter us from winds which would clean out our urban air. Periodic winter "inversions" of warm air trap colder, more polluted air close to the ground, sometimes within 50 feet of ground level. By comparison, famous Los Angeles inversions are at about 1,500 feet[7].

When an inversion exists during periods of heavy traffic, carbon monoxide levels can exceed federal ambient air quality standards. When inversions remain stable over several days, pollution builds within the limited volume of air trapped near the ground. Inversions can push polluted air closer to the ground as the temperatures drop, and carbon monoxide levels at midnight have exceeded levels at rush hour as the lowering height of the inversion compacts the polluted air. Municipal studies demonstrate that carbon monoxide levels are elevated in neighborhoods, not just on roadways during air pollution episodes[4].

Anchorage shares an airshed with the Kenai Borough to the south and the Matanuska Susitna Borough to the north. During summer months wood smoke from land clearing or habitat enhancement outside the city has been dispersed from Talkeetna to Homer.

Haze

A brown haze cloaks Anchorage on calm winter days, and pale haze bleaches the horizon in the dryer months. Views of nearby mountains are obscured. While road dust has been documented as a pollutant and dust is a likely source for much of the pale haze, Anchorage has not yet identified the composition of its brown haze. Other northern cities have found their brown haze is made up of small particles from transportation, wood burning, other combustion sources, and dust.

Health effects of air pollution

Health effects of air pollutants depend on a combination of many factors — including age, health status, smoking habits, occupation, lifestyle, and the amount and length of exposure. But, in general we know these things about the major pollutants in Anchorage air:

Carbon monoxide is a colorless, tasteless, odorless, deadly poison. When breathed, it joins with red blood cells and deprives the body of needed oxygen. Individuals with heart and lung diseases are particularly vulnerable to elevated carbon monoxide levels in the air. Pregnant women and their babies are at risk for low birth weight and increased infant death. Symptoms of carbon monoxide poisoning usually develop in this order: headache, giddiness, nausea, weakness, occasional vomiting, loss of mental alertness, collapse and coma, finally death.

Carbon monoxide is a colorless, tasteless, odorless, deadly poison.

Particles can interfere with the body's immune system and irritate the eyes, nose, and throat, narrowing the upper airways during a pollution episode.They increase bronchitis, upper respiratory illnesses, and mortality from cardiac and respiratory disease. Small particulates (less than 10 microns or PM 10's), join with pollutants and carry carcinogens and other pollutants such as carbon monoxide, lead, and pesticides, directly into the lungs where they are deposited in body tissues[2]. PM 10's themselves also cause scarring of lung tissue.

People are concerned about healthy air. Nationally, 73% of adults responded in 1988 that they were "very concerned" about air pollution. In Anchorage, 96% of respondents to a 1983 survey wanted air pollution reduced. The Anchorage Clean Air Coalition is an association of individuals, and health and environmental organizations advocating for healthful air quality. The coalition emphasizes public education, lobbying to maintain strong air quality standards, policies, and programs to reduce pollution.

To reduce carbon monoxide to safe levels, Anchorage can reduce auto trips while driving vehicles with cleaner operating engines. Oxygenated fuels and engines manufactured to burn fuel more efficiently in cold temperatures are expected to reduce carbon monoxide pollution in future years. But it will be difficult to accommodate anticipated population growth and peoples 'increased reliance on the automobile, and still meet air quality standards in the future. In addition, there is growing concern over global warming, and transportation contributes thirty percent of the nation's carbon dioxide production.

Since vehicles produce most of the identified air pollutants, the coalition advocates programs to give people transportation choices beyond the automobile including improved rail, transit, shared rides, and safe bicycle and pedestrian facilities. Employers can sponsor trip reduction programs including rideshare, and can provide financial incentives for transit. Land use policies can contribute to more energy efficient transportation through greater residential and commercial density along roads designated as "transit corridors". Commercial development can be transit friendly with bus pullouts and shelters, and improved pedestrian access.

A national, state or local transportation fund can finance a comprehensive public transportation system with revenues from motor vehicle registration fees and fuel taxes. Only two states levy a gas tax lower than Alaska's. It is appropriate for the source of the pollution to pay for its clean-up, and in this case, vehicle user fees can finance a more energy efficient transportation system to transport people, goods and raw materials.

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To reduce particles in Anchorage air, we first need to identify the sources of the particulates. Strategies for reducing pollution will probably include paving roads, prompt springtime cleanup of winter sanding materials, vegetation of cleared lands, reducing combustion, and more efficient burning of fuels. State and local governments can cooperate to develop strict open burning policies and we can encourage greater use of catalytic or secondary combustion wood stoves. Cold start standards for engines will help reduce some particulate pollution; diesels can also meet stricter standards.

Several questions for Anchorage remain unanswered in 1990

A. What are carbon monoxide levels in roadside . nes and commercial buildings during winter inversions and carbon monoxide exceedences?

B. What pollutants make up the dirty brown haze along the Chugach Mountains in the winter when snow covers the soils?

C. How many vehicles can Anchorage accommodate on the road during inversion without exceeding healthy carbon monoxide standards?

D. What level of transit service (frequency, distance from home\work place, comfort level) would attract enough drivers from their autos to maintain healthy air?

E. How much would the highest level of transit service cost compared to the costs of constructing and operating additional lanes of roadway?

National and worldwide air pollution problems

Global warming may have begun. The six warmest years in the last 100 were 1988, 1987, 1983, 1981, 1980, and 1986. Greenhouse gases build in the earth's atmosphere and trap the sun's energy. Half of these gases are estimated to come from combustion of fossil fuels, and the remaining half from chloroflurocarbons, agricultural practices and deforestation. We may see a dramatic warming of the earth in our lifetime with innumerable environmental changes such as melting of polar ice caps, rise of ocean levels, erosion of existing shorelines, shifts in weather patterns, and encroachments of deserts[7].

Arctic haze is a long, thin opaque cloud observed during high altitude inversions from northernmost Alaska as far south as Montana. Observed since the mid-1970's, arctic haze is industrial pollution from western USSR, central Europe and perhaps the northeastern USA, which moves along inversions one to two kilometers above the earth in the troposphere. Its effects on the environment are not clearly understood, but will probably include changes in the amounts of solar radiation received underneath the cloud, and increased acidity levels of soils where the cloud is precipitated from the sky[10]

Toxic pollutants from accidental discharges are a constant threat, especially as Anchorage is a hub of ocean, air, railroad and truck transport of commodities, chemicals, materials, fuels, and pesticides. In 1986, formaldehyde escaped from an improperly heated railroad tanker in Anchorage. Disaster was averted by removal of the tank car to the less populated locale of Crown Point, sixty miles south of Anchorage where winds were to disperse the gas. Crown Point was evacuated, and homes there remain unlivable.

Acid rain results from smoke stack industries producing sulfur dioxides and nitrogen oxides which combine with water to fall out of the sky as acid rain. This is a significant problem in the northeast United States and Canada, and parts of Europe where plant and waterlife is being destroyed. Oil and gas facilities on the North Slope of Alaska emit as much nitrogen oxides as Washington, D.C. each year. The effects of these emissions on soils, water, plants, or animals is not known, and the EPA has raised concerns that acidification of the tundra may result even if ambient air quality standards are being met [8].

Indoor air pollution is perhaps the most life threatening air pollution in Alaska, especially when outdoor air pollution levels are high and combine with indoor pollutants to reach unhealthy levels. Some of our homes and buildings are not adequately ventilated, and we do not have standards to limit the levels of formaldehyde, gases from synthetic building materials, carbon monoxide, nitrogen oxides, sulfur oxides, cigarette smoke, microorganisms, allergens, or other pollutants.

High altitude ozone is a protective form of oxygen which shields us from the sun's ultraviolet radiation. Chloroflurocarbons from aerosol cans, freezers, and air conditioners destroy this protective layer above the earth. A "hole" or thin spot in the earth's ozone is documented at the south pole of the earth. Ultraviolet radiation reaching populated areas could increase by five to twenty percent early in the 21st century, causing destruction of plankton, and dramatic increases in skin cancer. Even if the manufacturing of chloroflurocarbons ceased today, the upper atmosphere's ozone depletion will continue for another century as existing chlorine molecules rise slowly from the earth and remain in the stratosphere to destroy ozone [6].

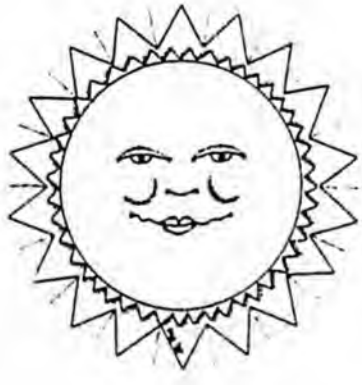
Ground level ozone is a pollutant created by auto exhaust (nitrogen oxide and hydrocarbons) reacting in sunlight to create "smog". Communities with sunshine, warm temperatures, and high volume traffic create ozone which seriously irritates the eyes, mucous membranes, and the respiratory system.

Nitrogen dioxide is a byproduct of combustion from automobiles, power plants, and furnaces. It is a reddish brown gas formed by the reaction of nitrogen oxide with sunlight and is corrosive and toxic to man. Unpolluted air has a relative high ratio of nitrogen oxide to nitrogen dioxide; that ratio reverses as sunlight and converts the nitrogen oxide into nitrogen dioxide in the middle of the day [5].

Sulfur dioxide is a byproduct of oil and coal combustion from industrial or utility plant stacks. Sulfur dioxide and coexisting particulate pollutants have been repeatedly associated with increased respiratory disease and death rates.

We may see a dramatic warming of the earth in our lifetime...

Oil and gas facilities on the North Slope...emit as much nitrogen oxides as Washington, D.C. each year.



Clean Air Act

The Clean Air Act sets national ambient air quality standards in all areas of the United States for six primary pollutants. First enacted in 1970, it has been amended seven times, and major revisions are being currently being considered by Congress.

The Environmental Protection Agency (EPA) enforces the Clean Air Act. State Implementation Plans (SIP's) are developed in areas which violate air quality standards. Within Alaska's 1982 SIP, Anchorage committed to reducing carbon monoxide by implementing four strategies: an auto inspection/maintenance program; a 300% increase in transit service; a car pool program; and traffic flow improvements such as signal synchronization.

Three of the four strategies were implemented, and the auto inspection/maintenance program is a recognized success, but transit service has been reduced by 40% since 1982, with proportionate declines in ridership.

Having leveled off in the late 1980's after auto inspection/maintenance was implemented, Anchorage carbon monoxide levels climbed again to a five year high of 155% over federal health standards in the winter of 1989. Anchorage is currently revising its air quality plan following an EPA order that the plan be revised to meet the carbon monoxide standard.

Anchorage carbon monoxide levels climbed to a five year high of 155% over federal health standards in the winter of 1989.

Do you need further information?

Here are agencies and organizations which work to improve air quality in Anchorage:

Alaska Health Project: provides the statewide "INDOOR AIRLINE" answering questions about indoor air quality, also informs and advises on occupational and environmental health issues. 431 W. 7th Avenue, Suite 101, Anchorage, AK 99501, phone 276-2864.

American Lung Association of Alaska: a voluntary non-profit health promotion organization working for clean air and against lung diseases, active against smoking. 605 Barrow Street, Anchorage, AK 99501, phone 276-5864.

Anchorage Clean Air Coalition: a citizen's group advocating for air quality sponsored by the American Lung Association of Alaska. 605 Barrow Street, Anchorage, AK 99501, phone 276-5864.

Anchorage Rideshare, Municipality of Anchorage: Provides free carpool matching service for commuters from Anchorage and the Matanuska Susitna Valley. P.O. Box 196650, Anchorage, AK 99519-6650, phone 562-7665.

Municipality of Anchorage, Air Pollution Control Agency: monitors air for carbon monoxide and particulate levels, issues permits for local sources. P.O. Box 19-6650, Anchorage, AK 99519-6650, phone 343-4200.

State of Alaska, Department of Environmental Conservation: inspects permitted facilities, enforces state regulations, coordinates Anchorage and Fairbanks auto inspection maintenance programs, develops plans and procedures to reduce air pollution. 3601 C Street, Suite 1350, Anchorage, AK 99503, phone 563-6529.

U.S. Environmental Protection Agency: administers federal Clean Air Act provisions in Alaska, supervises air quality contracts of state and municipal governments. 701 C Street, Anchorage, AK 99501, phone 276-5083.

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Produced by the Anchorage Clean Air Coalition, 1990.

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HB

387

FISCAL NOTE

STATE OF ALASKA
BILL NO. CSHB 387 (CRA)

1992 LEGISLATIVE SESSION

Revision Date: 1-May-92
Department Affected: Environmental Conservation
Title: Accrediting Engineers On-Lot/Site Assessment
BRU: EQ/SPAR
Sponsor: Rep. Boyer
Componen Domestic Wastewater Contaminated Sites
Requestor: (H) RES

COMPONENT SERIAL NO. 1 4 2 6

EXPENDITURES/REVENUES: (Thousands of Dollars) 1 4 3 1

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	6.5	0.0	0.0	0.0	0.0	5.0
CONTRACTUAL	26.5	9.5	9.5	9.5	9.5	9.5
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS,CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	33.	9.5	9.5	9.5	9.5	14.5
CAPITAL						
REVENUE FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER P/R FUND SOURCE:	33.0	9.5	9.5	9.5	9.5	14.5
TOTAL	33.	9.5	9.5	9.5	9.5	14.5

POSITIONS:

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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)
The Department will charge an exam fee for the certifications provided under this legislation.

Prepared by: Janice Adair
Phone: 465-5010
Division: Commissioner's Office
Date: 5/1/92

Approved by Commissioner: [signature]
Agency: Environmental Conservation
Date: 5/1/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

7-LS1595\S
Cramer
5/1/92

Highlighted portions reflect amendment adopted by Res Ctte on Tuesday 4/28

CS FOR HOUSE BILL NO. 387 (RESOURCES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE BOYER

A BILL

FOR AN ACT ENTITLED

"An Act relating to accrediting engineers for inspections of wastewater systems for single-family homes and duplexes; and relating to the accreditation of engineers and environmental consultants for the assessment and cleanup of sites contaminated with hazardous substances."

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

* Section 1. LEGISLATIVE INTENT. (a) It is the intent of the legislature that the accreditation program established by the Department of Environmental Conservation for inspection of certain wastewater systems will provide engineers with the information needed to knowledgeably review existing domestic wastewater systems, plans to modify existing systems, and plans to construct or install new systems for compliance with standards established by regulation for domestic wastewater systems for single-family homes and duplexes.

(b) It is the intent of the legislature that the accreditation program established by the Department of Environmental Conservation for the assessment and cleanup of sites contaminated with hazardous substances will provide engineers and environmental consultants with the information needed to

knowledgeably perform assessments and cleanups of contaminated sites in accordance with departmental regulations.

* Sec. 2. AS 46.03 is amended by adding new sections to article 3 to read:

Sec. 46.03.125. ACCREDITATION FOR WASTEWATER SYSTEMS. (a) The department shall develop criteria for the accreditation of engineers to inspect existing domestic wastewater systems, to review plans for construction or modification of domestic wastewater systems, and to conduct as-built inspections of new or modified systems to ensure that the system meets standards established by law and by regulations adopted by the department. The accreditation shall apply to single-family homes and to duplexes.

(b) The department shall grant accreditation to engineers registered under AS 08.48.211 who satisfactorily complete the accreditation program under (a) of this section. The department may charge an appropriate fee for evaluating an application for accreditation.

(c) After notice and a hearing, the department may revoke an accreditation issued under this section for cause.

(d) The department may develop a training program for engineers to enable them to meet the accreditation standards of this section. The department shall confer with the Department of Labor and the state Board of Registration for Architects, Engineers, and Land Surveyors in developing the training program. The department may charge an appropriate fee for participation in the training program.

(e) The department shall adopt regulations to implement this section.

(f) This section does not restrict or prohibit the department from delegating its responsibilities under this section.

Sec. 46.03.127. ACCREDITATION FOR ASSESSMENT AND CLEANUP OF CONTAMINATED SITES. (a) The department shall develop a program for the accreditation of engineers and qualified environmental consultants to perform assessment and cleanup of sites contaminated with hazardous substances to ensure that assessment and cleanup meet standards adopted by the department by regulation.

(b) The department shall grant accreditation to engineers registered under AS 08.48.211 and to qualified environmental consultants who satisfactorily complete the accreditation program under (a) of this section. The department may charge an appropriate fee for evaluating an application for accreditation.

(c) After notice and a hearing, the department may revoke an accreditation issued under this section for cause.

(d) The department may develop a training program for engineers and qualified environmental consultants to enable them to meet the accreditation standards of this section. The department shall confer with the Department of Labor and the state Board of Registration for Architects, Engineers, and Land Surveyors in developing the training program. The department may charge an appropriate fee for participation in the training program.

(e) The department shall adopt regulations to implement this section.

(f) This section does not restrict or prohibit the department from delegating its responsibilities under this section.

(g) In this section,

(1) "hazardous substance" has the meaning given in AS 46.03.826;

(2) "qualified" means a person who meets requirements established by regulations adopted by the department for performing the assessment and cleanup of sites contaminated with hazardous substances.

Department of Environmental Conservation

POSITION PAPER

BILL NO: CSHB 387 (Res)

APPROVED:

TITLE: Accrediting Engineers

DATE: 4-30-92

The Department of Environmental Conservation supports CSHB 387 (Res).

CSHB 387 (Res) would allow the Department of Environmental Conservation to certify that professional registered engineers were knowledgeable about the Department's wastewater regulations for the purposes of providing lending institutions with the assurance they need that an on-lot sewer system meets the design criteria established in those regulations.

The Department's current regulations require an engineering report for on-lot systems for triplexes and larger buildings. Single family homes and duplexes are not required to have such an engineering report. However, lending institutions have asked that the Department, as the state's health authority, certify that an engineering report prepared for any size structure meets the Department's regulatory requirements.

To meet the lending industry's concern, the Department conducted a familiarization seminar to provide private sector registered engineers with information on the subject regulations. However, it was learned that the secondary market, where many banks sell their mortgages, require a sign-off by the local health authority. In Alaska, that would be DEC. CSHB 387 (Res) would allow DEC to provide an accreditation to private registered engineers that would also meet the requirement of the secondary financial market. For this reason, the Department supports this provision.

The Resources Committee Substitute would also establish a similar program for registered engineers and qualified environmental consultants for assessment and cleanup of sites contaminated with hazardous substances. Generally, the substance will be a petroleum based product, such as would be found at an underground storage tank site.

There are a number of contaminated sites in Alaska. However, many of these sites are low risk as to public health and welfare. The Department would be able to develop a program to certify registered engineers and environmental consultants are familiar with the Department's regulations on hazardous substance assessment and cleanup. The Department believes such a program will significantly increase the number of contaminated site cleanups around the State. The Department strongly supports this provision.

REALTOR®

ALASKA ASSOCIATION OF REALTORS, INC®
741 Sesame Street, Suite 100 • Anchorage, Alaska 99503
Telephone 907-563-7133

April 13, 1992

Representative Mark Boyer
State Capitol
Juneau, AK 99801-1182

Dear Representative Boyer:

The Alaska Association of REALTORS® has reviewed CSHB 387, the act relating to accrediting engineers for inspections of wastewater systems for single family homes and duplexes.

The Association is satisfied with this bill as written and thanks you for your assistance in this matter.

Sincerely,

Dea Turner
Executive Vice President

cc: Konrad Reinke
Legislative Chairman

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 387 (CRA)

Revision Date: 14-Apr-92
Title: Domestic Sewage

Department Affected: Environmental Conservation

BRU: Environmental Quality
Componen Domestic Wastewater

Sponsor: Rep. Boyer
Requestor: (H) CRA

COMPONENT SERIAL NO. 1 4 2 6

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	6.5	0.0	0.0	0.0	0.0	5.0
CONTRACTUAL	19.0	2.5	2.5	2.5	2.5	10.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS,CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	25.5	2.5	2.5	2.5	2.5	15.
CAPITAL						
REVENUE FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER P/R FUND SOURCE:	25.0	2.5	2.5	2.5	2.5	15.0
TOTAL	25.	2.5	2.5	2.5	2.5	15.

POSITIONS:

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

Estimate of current year impac none

ANALYSIS: (Attach a separate page if necessary.)
Operating cost of Engineering Accreditation Program matched by exam fee charged professional engineers.

Prepared by: Janice Adair
Phone: 465-5010
Division: Commissioner's Office
Date: 4/14/92

Approved by Commissioner: Janice Adair
Agency: Environmental Conservation
Date: 4/14/92

Distribution (by preparer):Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Rev. 10/90

Alaska State Legislature

REPRESENTATIVE
MARK BOYER

VICE CHAIRMAN
HOUSE FINANCE COMMITTEE

hand carry

FAIRBANKS

1098 LAKEVIEW TERRACE
FAIRBANKS, ALASKA 99701
(907) 456-6473

JUNEAU

P.O. BOX V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3466

House of Representatives

Jan. 31, 1992

The Honorable John Sandor
Commissioner
Department of Environmental Conservation

Dear Commissioner Sandor:

I request that the Department of Environmental Conservation postpone its plans to discontinue on February 2 certification of on-lot domestic wastewater systems for one and two family properties.

As you know, I have introduced legislation to give the DEC specific authority to issue certifications of these properties for property owners who request them (HB 387).

We have requested our legal staff to review the memorandum of understanding between the Department of Labor and the Department of Environmental Conservation, giving the DEC primary responsibility for regulating private sewage disposal systems," so long as such regulation is no less stringent than that set forth in AS 18.60.705 and Appendix I of the Uniform Plumbing Code." I question whether or not the DEC can delegate that authority away to the private sector.

The prudent course of action with regard to this issue would be to wait until a determination has been made on the departments authority to discontinue the certification process.

If we don't clear up the cloudy issue of regulatory responsibility and authority before DEC takes further action, the home mortgage industry could be adversely affected, by discontinuing approval of new mortgages, or at least greatly lengthening the time it would take a prospective home buyer to secure a loan.

Neither one of us wants to make home ownership any more difficult than it already is. By going forward with your plan to discontinue on-lot certifications, while there are unanswered questions, you will be doing a great disservice to the home buyers and lenders of Alaska.

I look forward to hearing from you soon.

Sincerely,

Mark Boyer
Representative

cc: Rep. Jerry Mackie, Chair
House Community and Regional Affairs
Senator Steve Frank
Senate Community and Regional Affairs

DEPT. OF ENVIRONMENTAL CONSERVATION

OFFICE OF THE COMMISSIONER
410 WILLOUGHBY AVENUE, SUITE 105
JUNEAU, AK 99801-1795

Phone: (907) 465-5000
Fax: (907) 465-5070

February 10, 1992

The Honorable Mark Boyer
Alaska State House
P.O. Box V
Juneau, AK 99811

Dear Representative Boyer:

I have received your letter asking that DEC continue to provide certification of engineering plans for on-lot sewage disposal beyond our target cut off date of February 1. I apologize for not responding in writing prior to now; we have, however, been in close and nearly daily contact with your office on this issue.

As you know, we met with Kurt Parken of your staff, Wes Coyner representing the Alaska Bankers Association and Lucille Steitz representing the Alaska Mortgage Bankers Association on February 6. The result of that meeting was the following:

* DEC would provide to the bankers the list of engineers who attended the workshop on on-lot certification in Anchorage and Fairbanks last month with a cover letter stating that DEC felt these engineers were qualified and competent to perform the work;

* DEC would continue such workshops around the state, and would look at either contracting with these "trained" engineers or continuing to provide to the bankers a listing of those engineers DEC feels are qualified and competent; and

* Where there are no engineers trained by DEC on the on-lot certification, DEC will continue to provide that service.

A second meeting with Mr. Parken, Ms. Steitz, Bob Sullivan of Alaska Housing Finance Corporation, and John Boyd of Key Bank of Alaska was also held on February 6. At that meeting, our letter of transmittal was reviewed and accepted by the banks. That letter was received by Ms. Steitz on February 7.

I understand you question the precise requirements of the Memorandum of Understanding between the DEC and the Department of Labor. Our files indicate that this agreement was reached in order to clarify which agency would be responsible for determining the proper regulatory requirements for private sewage systems and that DOL would defer to our regulations. However, because we feel it is important to obtain a legal

determination, we will be asking the Department of Law for a formal opinion. We will provide your office with a copy as soon as it is received.

Change often results in questions and concerns. We are confident that as the transition continues, they will be resolved. Cooperation by all parties is needed, and DEC has indicated our willingness to make the transition as smooth a possible by continuing to provide the certifications where no "trained" engineer is available, and by fielding calls from the public as stated in our press release of February 7.

Thank you for your concern and we look forward to continuing to work with you.

Sincerely,

John A. Sandor
Commissioner

cc: Senator Steve Frank
Senator Paul Fischer
Representative Jerry Mackie
Representative Cheri Davis
Representative Larry Baker
Representative Ron Larson
Janice Adair, Special Assistant
Deena Henkins, Water/Wastewater
Mike Menge, Director, EQ

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM February 5, 1992

SUBJECT: Regulation of domestic wastewater systems (HB 387)

TO: Representative Jerry Mackie, Chair
House Community and Regional Affairs Committee

FROM: Teresa B. Cramer TBC
Legislative Counsel

You have asked several questions that pertain to the above referenced bill.

1. Does the Uniform Plumbing Code require state review and approval for domestic sewage systems in single family homes and duplexes.

Under AS 18.60.705, the state has adopted the Uniform Plumbing Code, with some exceptions. The plumbing code requires inspection by the Administrative Authority for new construction or changes in existing sewage systems in single family homes. (See sec. 318(a) of the Uniform Plumbing Code.) The Administrative Authority is defined as the individual official, board, department, or agency established and authorized by a state . . . to administer and enforce the provisions of the plumbing code. (See sec. 102(c) of the Uniform Plumbing Code.) I did not find any requirement for approval of existing, unchanged plumbing, even if a house was being sold.

2. Is the Memorandum of Understanding between the Department of Environmental Conservation and the Department of Labor, entered into in February 1983 still in effect?

According to both Janice Adair of the Department of Environmental Conservation (DEC) and Al Dwyer of the Department of Labor (DOL), the Memorandum of Understanding was still in effect when I spoke with them on January 27 of this year. Note that, as an agreement between two departments, it is subject to change by those departments.

3. Will the Department of Labor have to assume the required state review if the Department of Environmental Conservation ceases to review plumbing systems?

According to Mr. Dwyer of DOL, the department would have to assume this responsibility. I found nothing in the Uniform Plumbing Code permitting the Administrative Authority to delegate the inspection and approval function. The code does permit the Administrative Authority to delegate the observation of tests to a "duly appointed representative." (See sec. 318(a)(5) of the Uniform Plumbing Code.) Mr. Dwyer added that DOL would rely on engineering reports furnished by the owners of the houses in conducting their review and approval function. Mr. Dwyer also noted that under the terms of the current collective bargaining agreement that covers plumbing inspectors, the state is prohibited from contracting out work that is currently performed by state employees.

4. What effect does DEC's decision to stop approving plans for modification or new construction of wastewater systems have on the ability of the Alaska Housing Finance Corporation (AHFC) to make and purchase loans?

Under AS 18.56.300(a), AHFC may not make or purchase a housing loan for residential housing constructed after June 30, 1992, unless the unit complies with the construction codes of the municipality or the state building codes. Both "construction codes" and the "state building code" are defined, in subsection (d), to include the applicable plumbing code. Under subsection (b), AHFC may not make a commitment to purchase or approve a loan for residential housing constructed after June 30, 1992, until the unit has been inspected. The subsection states, in part

> The inspection must be performed by a municipal building inspector or by a person who is approved or certified to perform residential inspections by the International Conference of Building Officials or the International Association of Electrical Inspectors. The person who makes the inspection shall determine whether the construction conforms to relevant provisions of the construction codes of the municipality or of the state building code, as applicable, at each of the following stages of construction:
>
> . . .
>
> (3) completion of electrical installation, plumbing, and framing;
>
> . . .

It appears, therefore, that AHFC may accept inspections performed by properly approved or certified private individuals. The cost of these inspections would presumably be an item of negotiation between the seller and the buyer but would increase the cost of purchasing (or decrease the profit of selling) residential housing.

If I may be of further assistance, please advise.

TC:pl
92-070.plm

National Bank of Alaska

Mortgage Loan Department P.O. Box 107025 Anchorage, Alaska 99510-7025 (907) 257-3434
1500 W. Benson Blvd., Fourth Floor Anchorage, Alaska 99503

February 11, 1992

Ms. Deena Henkins
Water/Wastewater
Dept. of Environmental Conservation
410 Willoughby Avenue, Suite 105
Juneau, AK 99801-1795

Dear Ms. Henkins:

As we discussed on the telephone last night, representatives of the mortgage banking industry met this morning to review the various information and communications which have been distributed since February 1.

Attached is a news release from the Alaska Mortgage Bankers Association. The proposed guidelines referred to in the fifth paragraph of the news release are as follows:

> Our first preference is that DEC continue to perform on-lot certifications on single family and duplex residences as it has historically done.
>
> If DEC proceeds with its plan to have on-lot certifications performed by private engineers, the industry representatives present stated they would accept certifications by engineers on DEC's list of trained engineers on an interim basis. This would allow DEC time to adopt regulations to establish a certification program for professional engineers, including suspension and removal, or other options which would continue state oversight, such as a contract arrangement between the state and the engineers. Those present agreed to the above arrangement, provided the regulations are in place by April 15th.

The group further agreed that passage of legislation which clears up the issue of authority and responsibility is necessary and plans to continue its efforts toward that goal.

Representatives attending the meeting were from AHFC, FHA, VA, Alaska Assn. of Realtors, Security Pacific Bank, National Bank of Alaska, First National Bank of Anchorage and Northrim Bank. Others not present but agreeing with the position include Key Bank of Alaska, Northland Mortgage Company, and City Mortgage.

We look forward to an early resolution of the situation and appreciate your interest.

Sincerely,

Lucille Stietz
Vice President

ALASKA MORTGAGE BANKERS ASSOCIATION
P.O. BOX 9-2691 / ANCHORAGE, ALASKA 99509-2691

February 11, 1992

Reference: News Release of February 7, 1992 by DEC regarding Approval of On-Lot Septic Systems.

Contact: Jon R. Boyd

The Alaska Department of Environmental Conservation issued a Press Release on Feb. 7th, which stated that approval of on-lot septic systems serving single family or duplex residences would now be done by private engineers instead of by DEC. The Alaska Mortgage Bankers Association has not agreed to the discontinuation of the program as was previously reported by DEC.

House Bill 387, which was introduced by Rep. Mark Boyer, would clearly give DEC the authority to perform the certifications, an authority which DEC has in the past said it did not have. The industry believes that DEC should continue its oversight of this important public health issue and strongly supports passage of Boyer's bill.

The mortgage banking industry has, since last May when DEC first announced discontinuation of on-lot certifications, asked DEC to continue providing oversight on single family and duplex units, as it does on 3 or more unit properties and as it has historically done on the smaller properties. An additional postponement of implementation of DEC's plan was requested until the pending legislation had been addressed; however, DEC discontinued the certifications effective February 1.

Three mortgage industry officials met with DEC on February 6th to discuss the issue and to attempt to arrive at an acceptable resolution of the situation. Those attending, in addition to DEC staff, were Robert Sullivan, Intergovernmental Affairs Director, Alaska Housing Finance Corporation; Jon R. Boyd, Executive Vice President, Key Bank of Alaska, and Lucille Stietz, Vice President, National Bank of Alaska. The meeting with DEC was intended to help resolve the issue quickly, to prevent delay in closing of real estate transactions and alleviate uncertainty as to requirements by lenders and DEC.

Mortgage lenders continue to look for a resolution which includes state oversight. The industry preference is that DEC continue to perform on-lot certifications as it has historically done. The industry has, however, proposed guidelines to DEC which would meet secondary market criteria and avoid disruption to the housing market if DEC proceeds with its plan to have private engineers perform the certification. Boyd stated, "We are lenders. It is not our intent to be an approving authority or to certify to the training of engineers."

Industry representatives are especially concerned about the potential for disruption to the housing market during this time when interest rates are at their lowest since the mid 70's.

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

Division of Environmental Quality
Water and Wastewater Treatment Section

410 Willoughby Avenue
Juneau, Alaska 99801
Phone: 465-5300
February 7, 1992

Ms. Lucille Stietz
National Bank of Alaska
P.O. Box 10-7025
Anchorage, Alaska 99510-7025

Dear Ms. Stietz:

List of Professional Engineers trained at recent workshops for On-Site Wastewater Disposal- January 1992

As you are aware, the Department conducted two one-day workshops for Professional Engineers involved with the design, construction, evaluation and approval of individual home and duplex on-site wastewater disposal systems. The workshops were held January 14, 1992 in Anchorage and January 16, 1992 in Fairbanks. Engineers who have completed the training are considered by the Department to be trained and competent to perform all functions related to design, construction, evaluation and rehabilitation of On-Site Wastewater Disposal systems.

It is our intention to offer additional training opportunities for engineers in the future, and we will keep you informed of the current group of trained engineers. The recent workshops were the initial sessions in our new training program. Future programs will be developed further, and will probably involve more formalized instructional goals, examinations and establishment of a period of validity for certifications issued.

We have attached a list of the Professional Engineers that completed the workshops in the recently held sessions. We would like to have your assistance in getting the word to AMBA member banks of the engineers who successfully completed these training workshops.

On a related subject, I am enclosing a draft of the "generic" approval form that we are presently having printed. The form has been developed for the use of Professional Engineers on Conventional On-Site Wastewater Systems. We expect the final form will be distributed to banks and Department field offices in approximately two weeks. Member banks should feel free to use the draft in the interim.

Sincerely,

Eugene M. Rehfield

Gene Rehfield, P.E.
Domestic Wastewater Program Manager

cc: Distribution List

PROFESSIONAL ENGINEERS REPORT ON CONVENTIONAL ON-SITE WASTEWATER SYSTEM
APPROVAL OF ON-SITE RESIDENTIAL WATER AND SEWER SYSTEMS

PROPERTY DESCRIPTION

LOT, BLOCK & SUBDIVISION OR US SURVEY Buyer: Seller:	DEC Approval Not Required DEC District Office Authorized Representative

WATER SUPPLY

A recent water sample was tested and found to meet Department of Environmental Conservation drinking water standards for total coliform bacteria. Results of other tests may be attached (i.e., Nitrates, etc.).

Name	Title	Date

WASTEWATER DISPOSAL

The domestic wastewater system was:

☐ inspected by a Professional Engineer who certifies that the system complies with applicable requirement of 18 AAC 72;

☐ tested by a Professional Engineer who certifies that the performance of the system is satisfactory and that on the day of inspection no non-compliance with the minimum separation distances specified in 18 AAC 72 was observed;

☐ installed by a Certified Installer who certifies that the system complies with applicable requirements of 18 AAC 72.

This approval is valid for a ☐ single family ☐ duplex unit with a total of ____ bedrooms.

Name	Date

Professional Engineer Seal

This approval does not constitute a guarantee or warranty of any kind, explicit or implied, as to the performance of the water supply and wastewater disposal system.

Distribution: WHITE-BANK/LENDING INSTITUTION; CANARY-APPLICANT; PINK-DEPARTMENT OF ENVIRONMENTAL CONSERVATION

18-0408 (2/92)

Post-it™ brand fax transmittal memo 7671 | # of pages ▸ 2

To MARK [redacted]	From [redacted]
Co. Hous[redacted]	[redacted]
465 [redacted]	Fax 465-5070

NEWS RELEASE

Alaska Department of Environmental Conservation
410 Willoughby Ave. Juneau, Alaska 99801-1795
Phone: (907) 465-5060 Fax: 465-5070

ADEC

February 7, 1992 Contact: Joe Ferguson

APPROVAL OF ON-LOT SEPTIC SYSTEMS TO BE DONE BY PRIVATE ENGINEERS INSTEAD OF DEC

Juneau... Private engineers instead of State employees will conduct the reviews and approvals of on-lot wastewater disposal systems needed for obtaining home mortgage financing, according to a proposal by the Department of Environmental Conservation. Alaska's mortgage banking industry has agreed to the approach.

DEC Special Assistant Janice Adair said that DEC will conduct workshops for private engineers on how to do reviews according to wastewater disposal regulations, and the department will continue to review on-lot systems on an as-needed basis until the private engineers have received the instruction. Adair added that 57 private engineers in Alaska attended the first workshops in January.

The review and approval of septic systems is required by the mortgage industry prior to approval of home loans, but in an efficiency move DEC discontinued its reviews for single-family and duplex dwellings. Adair said that the department needs its staff to work on higher-priority environmental protection projects.

"Fortunately, there is a private sector answer to this need--the private engineers--and we can provide the necessary training. It seems to be a workable solution all-around," said Adair. She said that the Alaska Mortgage Bankers Association and the Alaska Housing Finance Corporation agreed to the new approach.

DEC will send its list of trained engineers to bankers, and will keep the list updated. Where no private engineer is available to conduct a review, the department will do so until trained engineers are available. Engineers will do approvals for new systems, inspect existing systems, and approve modifications to existing systems for convention on-lot single family and duplex wastewater systems. DEC will maintain its current wastewater program in other areas and continue to do approvals for other types of systems.

During the transition to the use of private engineers, buyers or sellers of homes experiencing problems with a mortgage loan because of a septic system review should contact a local DEC office for information.

For further information, contact Deena Henkins, DEC in Juneau, 465-5300.

# # #

Background on Alaska Department of Environmental Conservation
On-Site Wastewater Disposal System Certification Program

House Bill 387- Seventeenth Alaska Legislature Date: January 23, 1992
Prepared for House Community and Regional Affairs Committee

The Department of Environmental Conservation reviews and approves engineered plans for modification of existing or new construction of wastewater systems as required by 18 AAC 72.210 Domestic Wastewater System Plan Review.

Exception: Plan approval is not required for conventional on-site wastewater system serving a single-family or duplex residence. This exception does not apply to systems that require waiver of separation distance from water.

The Current Situation: Aprovals of these systems by the Department is not required by regulation. It has been conducted at the request of the Banks and Real Estate industries. The program has required 8.9 FTE's and a budget of $536,000 (FY 91). In FY 91 the Department approved about 2,400 on-site wastewater systems. Of these, approximately 1,300 systems were conventional and would be affected by the proposed private sector assumption.

Proposed Reduction: The Department is planning to have private sector engineers review conventional on-site wastewater systems for single-family and duplexes and their evaluation would be given directly to the bank. A phased transition has been proceeding in FY 92, and should be completed by February 1992. The reduction of program responsibilities not required by regulations is necessary to make use of our limited resources in other important public health and environmental protection areas.

Other program activities are proposed to continue. These include engineering plan approval of all non-conventional systems, or systems which require separation distance waivers. Also, filing and maintaining archival records of previous on-site system approvals. The Department offers training statewide for Certified Wastewater Installers, and maintains a list of contractors who have met the requirements.

Activities to Date: In support of the proposed reduction in single-family and duplex approvals the Department testified at House and Senate Finance Committee Hearings on our FY 92 Budget Request. We have also notified the Banking and Real Estate industry, and the Professional Engineering community of the planned change. A series of meetings were held with these groups to identify concerns, and to provide for an orderly transition. Training was presented to Engineers in Anchorage and Fairbanks. A form has been prepared for the use of the industry in substituting Professional Engineer approval for the Departments approval.

Situation in Other States: Alaska is unique in having a state agency involved with the on-site wastewater system approvals. In most other states, the local government or county health departments provide this service. The state usually is only involved as far as establishing minimum criteria.

Sec. 18.60.690. Nonapplicability to certain activities. AS 18.60.670 — 18.60.695 do not apply to

(1) activities relating to high voltage overhead conductors or their supporting structures conducted by persons authorized by the operator or owner of high voltage overhead conductors or their supporting structures;

(2) work done on telephone or communication circuits or their supporting structures;

(3) the operation or maintenance of equipment traveling or moving upon fixed rails of a railroad; or

(4) emergency situations in which life is endangered. (§ 1 ch 83 SLA 1972)

Revisor's notes. — Enacted as AS 42.20.038. Renumbered in 1972.

Sec. 18.60.695. Definitions. In AS 18.60.670 — 18.60.695

(1) "high voltage" means a voltage in excess of 750 volts between conductors or between any single conductor and the ground;

(2) "overhead lines or overhead conductors" means all bare or insulated electrical conductors installed aboveground except those that are deenergized and grounded or enclosed in iron pipe or other metal covering of equal strength. (§ 1 ch 83 SLA 1972)

Revisor's notes. — Enacted as AS 42.20.039. Renumbered in 1972.

Article 8. Plumbing Code.

Collateral references. — 13 Am. Jur. 2d, Buildings, § 29.

39A C.J.S., Health and Environment, §§ 28-32.

Sec. 18.60.705. Plumbing code. (a) The following publications are adopted as the minimum plumbing code for the state:

(1) chapters 1 — 13 of Part II and the appendices of the 1991 edition of the Uniform Plumbing Code, published by the International Associ-

ation of Plumbing and Mechanical Officials and adopted at the 61st annual conference, September 1990;

(2) the 1991 edition of the Uniform Swimming Pool, Spa, and Hot Tub Code, published by the International Association of Plumbing and Mechanical Officials and adopted at the 61st annual conference, September 1990, but excluding Part I, Administration, pages xiii — xxi; and

(3) the 1991 edition of the Uniform Solar Energy Code, published by the International Association of Plumbing and Mechanical Officials and adopted at the September 1990 annual conference, but excluding Part I, Administration, pages xv — xxii.

(b) Notwithstanding (a) of this section, the use of a pipe or pipe fitting containing more than 8.0 percent lead, or of solder or flux containing more than 0.2 percent lead in the installation or repair of a public water system or in the installation or repair of plumbing of a residential or nonresidential facility that provides water for human consumption is prohibited. This subsection does not apply to the use of leaded joints necessary to repair cast iron pipe. (§ 1 ch 15 SLA 1972; am § 1 ch 88 SLA 1980; am § 1 ch 101 SLA 1988; am § 3 ch 29 SLA 1991)

Revisor's notes. — Enacted as AS 18.60.680. Renumbered in 1972.

Cross references. — For certificates of fitness required to perform work subject to this section, see AS 18.62.010.

Effect of amendments. — The 1988 amendment, effective June 5, 1988, added subsection (b).

The 1991 amendment, effective June 12, 1991, rewrote subsection (a).

Editor's notes. — Section 3, ch. 101, SLA 1988 provides that (b) of this section "applies to the installation or repair of a water system or plumbing begun on or after June 5, 1988."

Sec. 18.60.710. Duties of the department. The department is responsible for the administration of the code. The department may adopt regulations designed for maximum practical implementation of the code, and may grant exceptions from specific code provisions, where distance or other factors make implementation impractical. Specific consideration shall be given to outlying villages and sparsely populated areas to ensure that AS 18.60.705 — 18.60.740 will not impose an undue financial burden. The department may by regulation designate appropriate inspection to a public or private utility company. A company so designated may refuse utility connections if an installation does not meet the requirements of this code. (§ 1 ch 15 SLA 1972)

Revisor's notes. — Enacted as AS 18.60.690. Renumbered in 1972.

Quoted in State v. Anderson, 749 P.2d 1342 (Alaska 1988).

Sec. 46.03.100. Waste disposal permit. (a) A person who conducts an operation that results in the disposal of solid or liquid waste material or heated process or cooling water into the waters or onto the land of the state shall procure a permit from the department before disposing of the waste material or water. The permit shall be obtained for direct disposal and for disposal into publicly operated sewerage systems.

(b) A permit for disposal of a hazardous waste may not be issued under this section unless the applicant for the permit has furnished proof to the commissioner of financial ability to control the hazardous waste. Proof of financial responsibility may be demonstrated by self-insurance, insurance, surety, or guarantee, under regulations adopted by the department. Acceptance of proof of financial responsibility under this subsection expires

(1) one year from its issuance for self-insurance;

(2) on the effective date of a change in the surety bond, guarantee, or insurance agreement; or

(3) on the expiration or cancellation of the surety bond, guarantee, or insurance agreement.

(c) This section does not apply to a person discharging only domestic sewage into a sewerage system.

(d) This section does not apply to injection projects permitted under AS 31.05.030(h).

(e) A person who applies for a solid waste permit under this section shall demonstrate to the satisfaction of the commissioner that the applicant has reasonably considered all solid waste management options and that the permit would be consistent with the practices and priorities established under AS 46.06.021. (§ 3 ch 120 SLA 1971; am § 3 ch 220 SLA 1976; am § 9 ch 93 SLA 1981; am § 4 ch 91 SLA 1984; am § 3 ch 88 SLA 1990)

Revisor's notes. — Subsections (b) and (c) were formerly (c) and (b), respectively. Relettered in 1987.

Cross references. — For further requirements for persons submitting proof of financial ability under this section, see AS 46.03.833.

Effect of amendments. — The 1990 amendment added subsection (e).

Opinions of attorney general. — This section confers upon the Department of Environmental Conservation permit authority over dredge or fill activities, including residential subdivisions, within wetlands, estuaries, and inland and coastal marshes periodically inundated by discernible bodies of fresh or salt water upland from the mean high tide line to the extent of the aquatic or salt water vegetation line. November 13, 1975 Op. Att'y Gen.

Dredge or fill activities in coastal and fresh water wetlands shoreward to the aquatic vegetation line do result in the disposal of solid waste material into the waters of the state within the meaning of this section and thus, to the extent that these activities are of a commercial or in-

Excerpts from 18 AAC 72.210
Alaska Wastewater Disposal Regulations

18 AAC 72.210. APPLICATION FOR DEPARTMENT APPROVAL.
(a) Subject to (b) and (d) of this section, a person must have written department approval to construct, install, modify, or operate any part of a domestic wastewater treatment, collection, or disposal system, and must ensure that the system . . .

(b) Subject to the requirements of Table E, plan approval under this chapter is not required for a conventional onsite soil absorption system serving a single-family or duplex residence, if that system meets the requirements of this chapter.

TABLE E

REQUIREMENTS FOR SUBMISSION OF PLANS, REVISIONS TO PLANS, AND CERTIFICATION OF CONSTRUCTION

Facility Type	Plan Preparation Requirements		Requirements for Submission of Revisions to Plans		Requirements for Certification of Construction	
	Subsurface Land Discharge	Surface Water and Surface Land Discharge	Subsurface Land Discharge	Surface Water and Surface Land Discharge	Subsurface Land Discharge	Surface Water and Surface Land Discharge
Single-family dwelling or duplex on a residential or recreational lot	Plans are not required for a conventional onsite disposal system, except that engineering plans will be required if similar systems in nearby areas have failed, or failure may be expected due to marginal soils or high groundwater table. Engineering plans are required for alternate onsite disposal systems.	Engineering plans are required, except that the department will, in its discretion, accept plans prepared by the applicant for discharge to marine waters.	Required in accordance with 18 AAC 72.235.	Required in accordance with 18 AAC 72.235.	Required only if engineering plans are required to be submitted	Required only if engineering plans are required to be submitted
Wastewater systems which are expected to serve, in the normal order of events, more than a single-family or duplex dwelling, but less than 25 persons per day, or have less than 2,500 gal/day average daily design flow	Plans are required; these plans may be prepared by the applicant, except that engineering plans are required when similar systems in nearby areas have failed, poor soil conditions or high groundwater table exists, or where the department finds that discharge may threaten public health or the environment.	Engineering plans are required, except that the department will, in its discretion, accept plans prepared by the applicant for discharges to marine waters.	Required in accordance with 18 AAC 72.235.	Required in accordance with 18 AAC 72.235.	Required only if engineering plans are required to be submitted	Required only if engineering plans are required to be submitted
Wastewater systems which are expected to serve 25 or more persons per day in the normal order of events, or have an average daily design flow equal to or greater than 2,500 gal/day	Engineering plans are required.	Engineering plans are required.	Required in accordance with 18 AAC 72.235.	Required in accordance with 18 AAC 72.235.	Required in accordance with 18 AAC 72.245.	Required in accordance with 18 AAC 72.245

(20) "conventional soil absorption system" means a soil absorption system of typical trench, bed, or seepage pit design as described by 18 AAC 72.950(12) and (15), using natural subsurface undisturbed soils for the treatment media, or any soil absorption system with the same characteristics;

(77) "soil absorption system" means a surface or subsurface system using soil for the treatment and disposal of effluent from a domestic wastewater treatment works; "soil absorption system" includes a filtering field, leaching field, seepage bed, or seepage pit, but does not include a cesspool;

ENCLOSURE 1

On-Lot Wastewater System Certification Process

(Current and Proposed Procedures)

Existing Wastewater Systems, Unless Separation Distance Waiver Required

Current Procedure

System Owner Contacts Professional Engineer

↓

Engineer Reviews Files for Pertinent Data

↓

Engineer Performs System Evaluation; Sends Certification Form to System Owner

↓

Dec Reviews and, if Approved, Sends Back to Engineer

↓

Engineer Provides Copy to System Owner

↓

System Owner Provides Certification Form to Lending Institution, with Copy to DEC for Statewide Database

Proposed Procedure

System Owner Contacts Professional Engineer

↓

Engineer Reviews Files for Pertinent Data

↓

Engineer Performs System Evaluation; Sends Certification Form to System Owner

↓

System Owner Provides Certification Form to Lending Institution

↓

Lending Institution Sends Copy of Form to DEC for Statewide Database

New Systems, Conventional Single-Family Home or Duplex

Current Procedure

System Owner Contacts Certified Installer or Professional Engineer

↓

Installer or Engineer Constructs System

↓

Installer or Engineer Sends Certification Form to DEC

↓

Dec Reviews and, if Approved, Sends Back to Installer or Engineer

↓

Installer or Engineer Provides Copy to System Owner

↓

System Owner Provides Certification Form to Lending Institution, with Copy to DEC for Statewide Database

Proposed Procedure

System Owner Contacts Certified Installer or Professional Engineer

↓

Installer or Engineer Constructs System

↓

Installer or Engineer Sends Certification Form to System Owner

↓

System Owner Provides Certification Form to Lending Institution

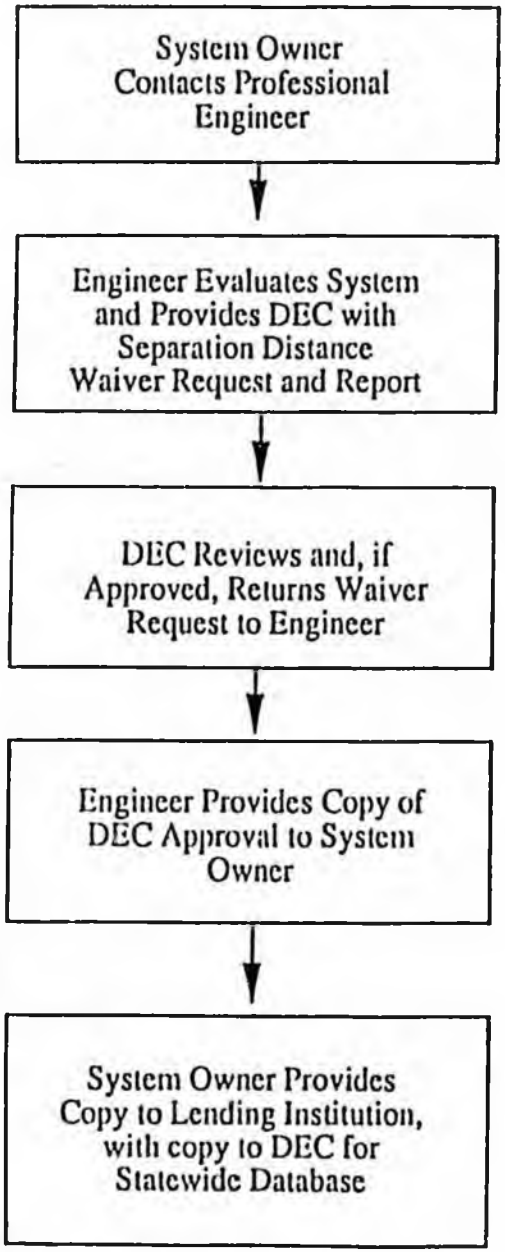
↓

Lending Institution Sends Copy of Form to DEC for Statewide Database

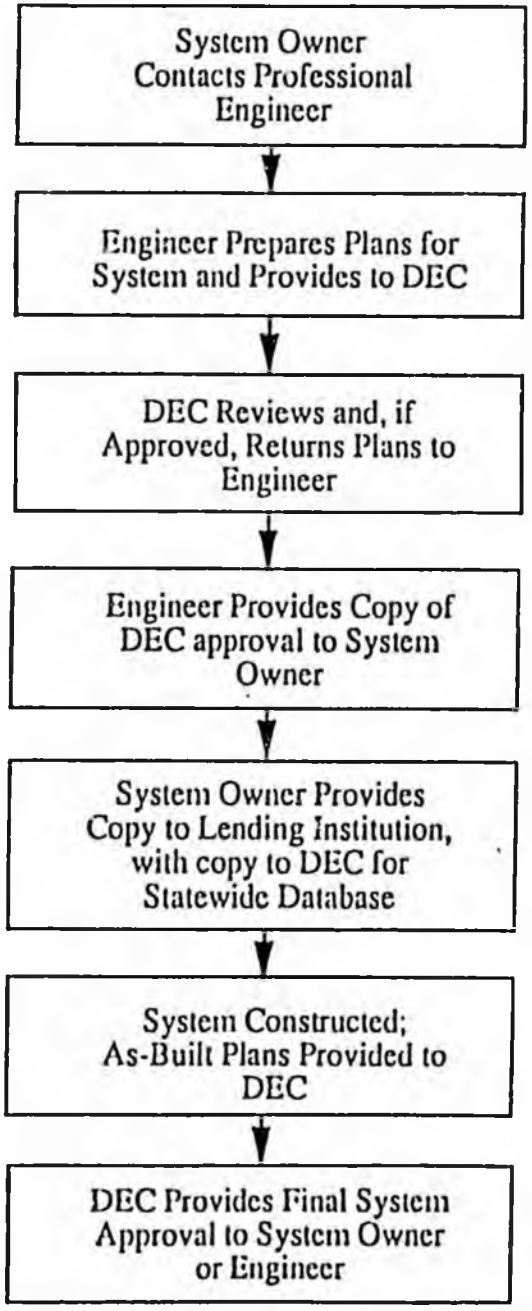
On-Lot Wastewater System Certification Process

(No Proposed Changes)

Existing or New Wastewater Systems, Requiring Separation Distance Waiver



New Systems, Larger than Duplex and/or Non-Conventional



RE/MAX Above the Crowd!®

February 13, 1992

Representative Cliff Davidson
Alaska House of Representatives
State Capitol
Juneau, AK 99801-1182

Dear Representative Davidson:

The Alaska Association of REALTORS (AAR) supports in part the position of the Alaska Mortgage Bankers Association (AMBA) concerning the on-site certification of well and septic systems.

AAR supports DEC proceeding with their plan of private professional engineers performing the certification process. AAR urges the Department of Environmental Conservation to proceed as soon as possible with the request to adopt regulations concerning the certification program of professional engineers, and have these regulations in place by April 15, 1992.

AAR seeks DEC's support in passing H.B. 387 by Representative Boyer of Fairbanks; this bill is necessary for stability of the home loan process for the general public. It takes the yearly politics out of a process in which politics do not belong.

Respectfully,

Glenda Feeken

Glenda Feeken
Member, Alaska Association of REALTORS

RE/MAX of the peninsula
100 trading bay rd., suite 6
kenai, alaska 99611
phone: (907) 283-5888
each office independently owned and operated

RE/MAX Above the Crowd!®

Representative Cliff Davidson
Alaska House of Representatives
State Capitol
Juneau, AK 99801-1182

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Respectfully,

Dave Feeken
Member, Alaska Association of REALTORS

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kenai, alaska 99611
phone: (907) 283-5888
each office independently owned and operated

Steve Ford
Associate Broker

February 13, 1992

Representative Cliff Davidson
Alaska House of Representatives
State Capitol
Juneau, AK 99801-1182

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Respectfully,

Steve Ford

Steve Ford
Member, Alaska Association of REALTORS

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Residence: (907) 283-5945
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RE/MAX Above the Crowd!®

Patti Williams

February 13, 1992

Representative Cliff Davidson
Alaska House of Representatives
State Capitol
Juneau, AK 99801-1182

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Respectfully,

Patti Williams

Patti Williams
Member, Alaska Association of REALTORS

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Kenai, Alaska 99611
Office: (907) 283-5888, Fax: 283-5388
Residence: (907) 776-5640
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Joyce R. Grasle
Sales Associate

February 13, 1992

Representative Cliff Davidson
Alaska House of Representatives
State Capitol
Juneau, AK 99801-1182

Dear Representative Davidson:

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Respectfully,

Joyce Grasle
Member, Alaska Association of REALTORS

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100 Trading Bay Road, Suite 6
Kenai, Alaska 99611
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Residence: (907) 283-5374
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Greg Daniels
RE/MAX of the Peninsula
REALTORS®

RE/MAX Above the Crowd!®

February 13, 1992

Representative Cliff Davidson
Alaska House of Representatives
State Capitol
Juneau, AK 99801-1182

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Respectfully,

Greg Daniels
Member, Alaska Association of REALTORS

11472 Spur Highway, Suite 3 • Kenai, Alaska 99611
Bus: (907) 283-5888 & (907) 283-7918
An Independent Member Broker

biaa

Affiliated with NAHB

RESOLUTION

WHEREAS the suspension of On-Lot Well and Septic Certifications by the State of Alaska Department of Environmental Conservation is currently being considered, and,

WHEREAS the Building Industry Association of Anchorage has grave concerns regarding the withdrawal of state oversight on an issue which is clearly related to the health and safety of Alaskans, and

WHEREAS it seems inappropriate to place the responsibility for health standards in the hands of private enterprise when the expertise to ensure compliance is currently in place in the state system, and

WHEREAS the state does not have to fund this program when users pay a fee for the inspections so the program is not cost prohibitive,

THEREFORE BE IT RESOLVED that the current approval system using the State of Alaska Department of Environmental Conservation for on-lot well and septic certifications is the most economical and efficient means of addressing this health and safety issue in home ownership.

Dated: This 16th day of January 1992.

Robin E. Ward
President

Richard A. Coan, Sr.
Secretary

Building Industry Association of Anchorage, Inc.
7801 Schoon, Unit A • Anchorage, Alaska 99518 • (907) 522-3605

AlaskaUSA
Federal Credit Union

January 21, 1992

Representative Mark Boyer
State Capitol
Juneau, AK 99801

Dear Representative Boyer:

Re: DEC On-site Certification
House Bill 387

Please consider this letter as Alaska USA's support for the passage of House Bill 387.

Based on numerous meetings that the mortgage lending community has had with the Department of Environmental Conservation (DEC), we feel that the review and approval of on-site well and septic systems should be performed by qualified personnel in the DEC's office. Mortgage lenders lack the expertise required to interpret engineers' reports on the performance of well and septic systems. Consequently, to confirm the adequacy of such systems, DEC's review and approval should be required.

We appreciate your assistance in this matter.

Sincerely,

Lorran J. Skinner
First Senior Vice President

ALASKA STATE
HOMEBUILDERS ASSOCIATION

RESOLUTION

WHEREAS the suspension of On-Lot Well and Septic Certifications by the State of Alaska Department of Environmental Conservation is currently being considered, and,

WHEREAS the Alaska State Homebuilders Association has grave concerns regarding the withdrawal of state oversight on an issue which is clearly related to the health and safety of Alaskans, and,

WHEREAS it seems inappropriate to place the responsibility for health standards in the hands of private enterprise when the expertise to ensure compliance is currently in place in the state system, and,

WHEREAS the state does not have to fund this program when users pay a fee for the inspections so the program is not cost prohibitive,

THEREFORE BE IT RESOLVED that the current approval system using the State of Alaska Department of Environmental Conservation for on-lot well and septic certifications is the most economical and efficient means of addressing this health and safety issue in home ownership.

Dated: This 8th day of January 1992.

Steven L. Bell
President

Jean Bunn
Secretary

7801 SCHOON STREET, UNIT E • ANCHORAGE, ALAKSA 99518 • (907) 522-3605

DENALI STATE BANK
118 N. Cushman Street • (907) 456-1400 • FAX (907) 456-2140 • P.O. Box 74568 • Fairbanks, Alaska 99707-4568

January 15, 1992

Representative Mark Boyer
Alaska House of Representatives
Juneau, AK

Sent VIA FAX - 465-3841

RE: HB 387

Dear Representative Boyer:

Thank you for introducing the above referenced bill. This bill is supported by myself as President of Denali State Bank and by the Alaska Bankers Association of which I am the current President.

Your efforts in seeking the passage of this bill, which will continue to assist the financial institutions in originating mortgage loans on residential properties, is sincerely appreciated. Thank you.

Sincerely yours,

Gary Roth

Gary Roth
President and Chief Executive Officer

GR/bf

CC: Lucille St

Alaska Housing
FINANCE CORPORATION

520 East 34th Avenue
Anchorage, AK 99503
(907) 561-1900
P.O. Box 101020
Anchorage, AK 99510

MEMORANDUM

DATE: September 9, 1991

TO: Bob Sullivan
Intergovernmental Affairs Director

FROM: Kay Murphy
Mortgage Operations Director

RE: DEC Certifications

As you know, Commissioner Sandor continues to push toward elimination of DEC's certification of wells and septics serving one and two family dwellings. Rumor has it that this action is being triggered by Governor Hickel's office. While you are in Juneau later this month, would you please talk with the Governor or members of his staff to discuss alternatives to DEC's reduction of services.

Areas of concern include:

- Health and Safety issues are ignored by the State for small residential properties.
- Quality of engineer's and certified installer's reports is suspect. Statistics provided by DEC show a statewide return rate of 31% and decline rate of 12%.
- Increased lender liability as well as processing delays and added expense are expected.
- Lack of expertise in identifying non-conventional systems and/or soils deficiencies. Per DEC, the engineers and lenders do not have the knowledge accumulated over the years by DEC staff.
- Many DEC requirements are based on staff experience not published guidelines.
- Cost is easily absorbed by User Fees.

Please find attached recent correspondence to and from Commissioner Sandor and Dick Farnell, DEC's Wastewater Program Manager.

Please contact me if I can be of further assistance.

lkay\kay9102

DEPARTMENT OF VETERANS AFFAIRS
Regional Office and Outpatient Clinic
235 East 8th Avenue
Anchorage AK 99501

February 13, 1992

In Reply Refer To: 363/26

John A. Sandor, Commissioner
Department of Environmental Conservation
P.O. Box 0
Juneau, Alaska 99811-1800

Dear Commissioner Sandor:

VA policy requires that when individual water and sewerage systems are contemplated, each must comply in all respects with the health authority regulations for the respective localities.

VA supports any efforts to ensure that such systems are subject to extremely careful study and investigation to assure against possible later deficiencies.

Passage of HB 387 seems essential to remove any concern about DEC's authority to regulate this important public policy function. Your support of Representative Boyer's HB 387 will alleviate the authority issue raised during the past years.

Sincerely,

Edward Hull

Edward Hull
Loan Guaranty Officer

KENAI PENINSULA BUILDERS ASSOCIATION

February 12, 1992

John A. Sandor, Commissioner
Department of Environmental Conservation
P.O. Box O
Juneau, Alaska 99811-1800

Dear Commissioner Sandor:

The Kenai Peninsula Builders Association requests the continuation of DEC oversight of on-lot certifications until such a time that building industry representatives have had an opportunity to be involved in establishing regulations governing the certification program.

There is concern that unregulated costs from private industry will make homeownership less affordable. Builders have obtained price quotes from private engineers that range from $500 to $5,000 for on-lot certifications.

The Kenai Peninsula Builders Association responds to the February 7, 1992, News Release which stated, "Adair said that the department needs its staff to work on higher-priority environmental projects." We ask, what issue could possibly be more important to Alaskans than the safety of our drinking water?

Sincerely,

Jean Bunn

Jean Bunn, President

Post-it™ brand fax transmittal memo 7671 | # of pages ▸ 2

To Lucille Stein	From Pat Vincent
Co. National Bank of Alaska	Co. Kenai Pen. Builders
Dept.	Phone # 776-5719
Fax # 257-3412	Fax # 776-8925

KENAI PENINSULA BUILDERS ASSOCIATION
KPBA

cc: Steve Bell, President, Alaska State Home Builders Association
Lucille Steitz, Alaska Mortgage Bankers Association
Senator Paul Fischer
Representative Mike Navarre
Representative Jim Zawacki
Senator Steve Frank
Representative Mark Boyer
Representative Jerry Mackie
Representative Cheri Davis
Representative Bettye Davis
Representative Richard Foster
Representative John Gonzales
Representative Larry Baker
Representative Ron Larson
Representative Gail Phillips
Paul Fuhs, Office of the Governor
Kurt Parkan

REALTOR ®

ALASKA ASSOCIATION OF REALTORS, INC.
741 Sesame Street, Suite 100 • Anchorage, Alaska 99503
Telephone 907-563-7133

Post-it™ brand fax transmittal memo 7671 | # of pages ▸ 1

To Lucille Stietz	From Dea Turr
Co. NBA	Co. AAR
Dept.	Phone # 563-713
Fax # 257-3412	Fax #

DATE: February 12, 1992

TO: Board Presidents
Executive Officers
Board Legislative Chairmen

FROM: Dave Feeken, Chairman
Political Affairs Committee

CALL TO ACTION

The Legislative and Political Affairs Committees of the Alaska Association of REALTORS® urge all members to contact their elected officials and the Department of Environmental Conservation (DEC) concerning the on-site certification process of .well/septic systems. The Alaska Association of REALTORS® supports DEC's plan to privatize the approval process of "standard" single family and duplex on-site well/septic systems. Furthermore, we urge DEC to adopt regulations governing the engineer certification process by April 15, 1992.

1. Adoption of the DEC plan will save the Department funds in administering what all of us know is practically a rubber-stamp process now.
2. Adoption of the DEC plan will shorten the period of time for closing, as there will no longer be any DEC delays.
3. DEC will continue to approve "designated systems."
4. Privatization will allow for competition and the marketplace will set the fees.

AAR members are also urged to ask their legislators to pass H.B. 387, which mandates DEC issue written approval of single family and duplexes. This will take the certification process out of the political arena, at last. This bill does not affect the issue of private engineers approving "standard systems," as DEC can certify engineers through regulation.

'92 01/23 15:32

01

ALASKA MORTGAGE BANKERS ASSOCIATION
P.O. BOX 9-2691 / ANCHORAGE, ALASKA 99509-2691

FAX TRANSMITTAL MEMO

TO: Curt Parham

DEPT: _____ FAX #: 465-3841

FROM: Cheryl PHONE: _____

CO: _____ FAX #: _____

Post-it™ brand fax transmittal memo 7671

NO. OF PAGES 3

January 23, 1992

Representative Mark Boyer
Alaska State Legislature
Juneau, Alaska

Dear Representative Boyer:

The Alaska Mortgage Bankers Association strongly supports the passage of CHSB 387.

The bill would provide for continuation of oversight by DEC of on-site systems, a service which DEC has historically performed.

Owners of one and two family units are currently the only homeowners not covered by DEC oversight by state statute; this bill would place these homeowners on an equal footing with other property owners.

There should be no financial effect on DEC, as user fees can be charged for the service.

If we can provide any information, please feel free to contact us.

Sincerely,

Cheryl Henry
Vice President

Attachment: Membership List

ASSOCIATE MEMBERS

Arctic Mortgage Insurance Co.
P.O. Box 23-0008
Anchorage, Alaska 99523
Doug Green 349-5641

Credco of Alaska
1225 E. International Airport Rd.
Suite 200
Anchorage, Alaska 99518
Henri M. Roos 561-7333

Credit Bureau of Alaska
3003 Minnesota, Suite 300
Anchorage, Alaska 99513-7537
Brenda S. Reynolds 279-5689

HUD
222 W. 8th Ave., Suite 64
Anchorage, Alaska 99513-7537
James Snyder 271-4175

Land Title Co.
1001 E. Benson Blvd.
Anchorage, Alaska 99508-4256
Jodi Clarke 563-5263

Mortgage Guaranty Insurance Corp.
1500 W. Benson Blvd., Suite 500
Anchorage, Alaska 99503
Tom Ster 274-6442
Sally Tower 274-6442
Jerry Tibor 274-6442

Pacific Rim Title Co.
307 E. Northern Lights Blvd.
Anchorage, Alaska 99503
Julie Korting 274-2562
Pat Kennedy 274-2562

Security Title & Trust Co.
3333 Denali St., Suite 100
Anchorage, Alaska 99503
Bob Stumpff 276-0909
Larry Moss 276-0909
Pamela Blank 276-0909

Stewart Title Co. of Alaska
510 W. Tudor Rd., Suite 1
Anchorage, Alaska 99503
Art Eash 561-5122

Transalaska Title Co.
400 W. Tudor Rd.
Anchorage, Alaska 99503
561-1844

Veterans Administration
2352 8th Ave.
Anchorage, Alaska 99513
Curtis Brantley 271-2222

AK. State Housing Auth.
624 W.Int'l Airport Rd.
Anchorage, Alaska 99503
Ann Marie Lindboe 562-2813

July 1991

REGULAR MEMBERS (under new By-Laws)

Alaska Housing Finance Corp.
P.O. Box 101020
Anchorage, Alaska 99510
Paul Kapansky 561-1900
Bob Sullivan 561-1900

Alaska USA Federal Credit Union
P.O. Box 196613
Anchorage, Alaska 99519-6613
Susan Taylor 786-2570
Carol Anderson 786-2777
Loran Skinner 786-2747

City Mortgage Corp.
405 West 36th Ave., Suite 100
Anchorage, Alaska 99503
Roger Aldrich 563-0700
Julie North 563-0700
Mary Lee Hillier 563-0700

Federal National Mortgage Assoc.
3301 C. Street, Suite 510
Anchorage, Alaska 99503
Collis Bearden 561-0828
Kathleen Petty 561-0828

Fireman's Fund Mortgage Corp.
2600 Denali Street, Suite 102
Anchorage, Alaska 99503
Karla Vanderbee 278-5151

First National Bank of Anchorage
P.O. Box 100720
Anchorage, Alaska 99510-0720
Betty Knipp 265-3450
Lily Payton 265-3566
Carole Johnson 265-3458
Lynn Johnson 265-3447

GMAC Mortgage
460 W. Tudor Road
Anchorage, Alaska 99503
Mina O'Dell 562-2181

Key Bank of Alaska
P.O. Box 100420
Anchorage, Alaska 99510-0420
Randy Boyd 564-0210
Kay Murphy 564-0335

Key Pacific Mortgage
P.O. Box 103016
Anchorage, Alaska 99510
Patrick Juul 564-0346

National Bank of Alaska
P.O. Box 107025
Anchorage, Alaska 99510-7025
Pat Ledbetter 257-3440
Lucille Stietz 257-3442
Cheryl Henry 257-3301

Northland Mortgage
2605 Denali, Suite 100
Anchorage, Alaska 99503
Jan Sheperd 274-5150

Northrim Bank
3111 C Street
Anchorage, Alaska 99524
Paula Cranmer 562-0062
Debbie Green 562-0062

Security Pacific Bank Alaska
P.O. Box 107007
Anchorage, Alaska 99510-7007
Theresa Wolf 276-8080

State of Alaska
DCRA-HAD
949 E. 36th, Suite 410
Anchorage, Alaska 99503
Hank Hodge 561-0900
Duane Wise 561-0900

First National Bank
of Anchorage

Representative Mark Boyer

The First National Bank of Anchorage would like to briefly describe our concerns regarding the possible suspension of on-lot well and septic approvals by DEC.

They are as follows:

1. Lenders would be expected to rely on reports completed by certified installers and engineers who have already demonstrated a 31% return rate by DEC on their reports. The rate of return in Anchorage alone was 75%. Please refer to Dick Farnells letter dated August 21, 1991, a copy of which is attached.

2. We have been also advised by Dick Farnell in his letter of the following:

   - A working knowledge of on-lot spectic systems is required of reviewers to adequately review certifications and reports.

   - Not all installers or engineers would know of the existence of special conditions, some of which may not be readily identifiable from cursory soil examinations, and would require experience with the local soils.

3. DEC has indicated they currently have a library of information available concerning soil conditions around the state and have suggested lenders submit copies of the reports received from engineers and installers to DEC so they can continue to update their library. As it is unclear how this procedure would be enforced, it is felt that this procedure would go by the wayside which would render this library obsolete in no time.

Although there are many qualified engineers and installers in Alaska, it appears as though lenders would ultimately be responsible for reviewing the reports submitted to determine whether they are accurate and complete. I think we can all agree that lenders do not have this type of expertise and to leave this to chance would do a great injustice to the public.

The First National Bank of Anchorage would like to thank you for introducing House Bill No. 387, which appears to address the problem.

If you have any questions concerning this matter, please feel free to contact me at 265-3566.

Sincerely,

Lily B. Payton
Vice President
Investor Lending Production Division

LRP/ph

646 West 4th Avenue • P.O. Box 100720 • Anchorage, Alaska 99510-0720

KENAI PENINSULA BUILDERS ASSOCIATION

September 20, 1991

Office of the Commissioner
Department of Environmental Conservation
John Sandor, Commissioner
P.O. Box O
Juneau, Alaska 99811-1800

Dear Sir:

The Kenai Peninsula Builders Association wishes to express our concern regarding the pending suspension of On-Lot Well and Septic Certifications by the State of Alaska Department of Environmental Conservation. Please find the enclosed Resolution in support of our position.

Members of our organization have expressed a number of concerns regarding the withdrawl of state oversight on an issue of Alaskan health and safety which include the increased liability for those involved in the home building industry and the possible delays and increased costs to homeowners.

The Kenai Peninsula Builders Association would support changes in the state statute which would allow the Department of Environmental Conservation to continue providing this important service.

We recognize a definate need for standardized forms and language, and would respectfully suggest DEC publish a uniform set of guidelines for use by those involved in our industry. Members of the Kenai Peninsula Builders Association would be available to discuss this matter with you at your convenience.

Sincerely,

Patricia Vincent

Patricia Vincent
Executive Officer

cc: Walter J. Hickel, Governor
Lucille Stietz, President, Alaska Mortgage Bankers Association
Kay Murphy, Vice President, Alaska Mortgage Bankers Association
Steve Burnett, President, Alaska State Home Builders Association
Bob Sullivan, Intergovernmental Affairs Director, Alaska Housing Finance Corporation
Representative Gail Phillips
Representative Mike Navarre
Senator Paul Fischer

Box 1753 • Kenai, Alaska 99611 • (907) 776-5719

RESOLUTION

WHEREAS the suspension of On-Lot Well and Septic Certifications by the State of Alaska Department of Environmental Conservation is currently being consicered, and,

WHEREAS the Kenai Peninsula Builders Association has grave concerns regarding the withdrawl of state oversight on an issue which is clearly related to the health and safety of Alaskans, and,

WHEREAS it seems inappropriate to place the responsibility for health standards in the hands of private enterprise when the expertise to ensure compliance is currently in place in the state system,

THEREFORE, the Kenai Peninsula Builders Association resolves that the current approval system as it exists today is the most economical and efficient means to address health and safety issues in home ownership.

Dated: This 17th day of September, 1991

TONY DOYLE, President

JEAN BUNN, President-Elect

JIM STROER, Vice-President

PATSY MIZERA, Treasurer

SANDY TASLER, Secretary

SECURITY PACIFIC BANK ALASKA, N.A.

MORTGAGE LOAN SERVICING, AK-210

3841 West Dimond Boulevard, P.O. Box 107007, Anchorage, AK 99510-7007
(907) 276-8080 • Fax: (907) 266-7427

February 3, 1992

To: Representative Mark Boyer
State Capital
Juneau, AK 99801
Fax 465-3841

From: Security Pacific Bank Alaska
Theresa Wolf

RE: DEC on-site certifications

Security Pacific Bank Alaska is very concerned if DEC discontinues it's on-lot certifications. This will put more liability on the lenders and engineers. Engineers will most likely raise their prices to accommodate the additional liability placed on them. This will result in higher costs to the home buyers and lenders will be taking a greater risk in interpreting the engineers report. We are not engineers and do not have engineers on staff. Therefore, we support House Bill 387.

GRIZZELL ENTERPRISES, INC.
BOX 1233
SOLDOTNA, ALASKA 99669
PHONE 262-5082
Contractor Lic. AA6369

February 10, 1992

House Community and Regional
Affairs Committee
Jerry Mackie, Chair (Craig)

Dear Sirs;

Please postpone discontinuation of DEC certifications of on-lot wastewater systems for one and two family properties until the legislation has been addressed.

Sincerely,

James C. Grizzell, Jr.
President

RE/MAX Above the Crowd!®

February 13, 1992

Representative Jerry Mackie
Alaska House of Representatives
State Capitol
Juneau, AK 99801-1182

Dear Representative Mackie:

The Alaska Association of REALTORS (AAR) supports in part the position of the Alaska Mortgage Bankers Association (AMBA) concerning the on-site certification of well and septic systems.

AAR supports DEC proceeding with their plan of private professional engineers performing the certification process. AAR urges the Department of Environmental Conservation to proceed as soon as possible with the request to adopt regulations concerning the certification program of professional engineers, and have these regulations in place by April 15, 1992.

AAR seeks DEC's support in passing H.B. 387 by Representative Boyer of Fairbanks; this bill is necessary for stability of the home loan process for the general public. It takes the yearly politics out of a process in which politics do not belong.

Respectfully,

Glenda Feeken

Glenda Feeken
Member, Alaska Association of REALTORS

RE/MAX of the peninsula
100 trading bay rd., suite 6
kenai, alaska 99611
phone: (907) 283-5888
each office independently owned and operated

RE/MAX Above the Crowd!®

February 13, 1992

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Dave Feeken
Member, Alaska Association of REALTORS

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REALTOR MLS

Greg Daniels
RE/MAX of the Peninsula
REALTORS®

RE/MAX Above the Crowd!®

February 13, 1992

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Respectfully,

Greg Daniels
Member, Alaska Association of REALTORS

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