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8. I DON'T UNDERSTAND TABLE H IN THE WASTEWATER PERMIT SECTION. IT IS IMPOSSIBLE TO DETERMINE WHICH CATEGORY I BELONG IN.

This section has been completely rewritten to explain the way the department will determine the fee for each applicant. The department's intention to determine a separate fee, rather than a flat fee for each facility type, was not clear in the first draft. A proposed point system, based upon certain unique factors at each site such as pollutant potential, flow volume, wastewater type, sensitive receiving environment, and public involvement, should result in a fee structure that is more fair than a flat fee. Copies of the rewritten regulations will be available at each public hearing or teleconference site.

9. THE FEE FOR NPDES REVIEWS ARE NOT JUSTIFIED BECAUSE ALASKA DOES NOT HAVE AUTHORITY FOR THIS PROGRAM.

The fee is based upon the actual staff time spent on certifications of the federal permits. It is not related to whether or not Alaska has primacy for this program.

10. INDUSTRIAL WASTEWATER FEES ARE TOO HIGH.

The proposed fees are based upon time spent on prior projects by staff. On some large or complex projects, in excess of one-man-year may be spent.

11. FEES FOR PUBLIC WATER SYSTEMS SHOULD BE ELIMINATED OR CUT IN HALF.

The fees have been amended to a graduated structure, ranging from $250 to $4,000 for class A and B systems, based on population served.

12. THE FEE SYSTEM SHOULD NOT BE A REVENUE PROGRAM OR CREATE FUNDING FOR TRAINING PROGRAMS.

The fee amounts are based solely upon past experience and the amount of time spent by staff on actual permitting, review, etc. tasks. Training will not come from these charges.

13. THE AIR QUALITY FEES ARE TOO HIGH, ESPECIALLY FOR ASPHALT PLANTS.

We are re-evaluating these fees, and will continue to evaluate all comments during the review period. The current fee structure represents an $8/ton average charge. As for asphalt plants, we are proposing a lower fee for sources that process less than 10,000 tons per year.

14. IT SEEMS DEC COULD PERFORM MULTIPLE INSPECTIONS JUST TO GENERATE FEES.

The inspection fees are annual fees, and the single fee applies whether the department performs one or a dozen inspections during each year. The only exception to this would be an additional fee for any re-inspection that was necessary because the facility failed the initial inspection. If the facility remains in compliance with the applicable regulations, there would be no need for a follow-up re-inspection for noncompliance.

NOTICE OF PUBLIC HEARINGS,
EXTENSION OF COMMENT PERIOD, AND
AMENDED NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE
ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
REGARDING FEES FOR PERMITS, APPROVALS, AND INSPECTIONS

NOTICE IS GIVEN that the Alaska Department of Environmental Conservation, proposes to amend regulations in Title 18, Chapters 15, 30, 31, 34, 36, 50, 52, 62, 72, 75, and 80 of the Alaska Administrative Code, dealing with user fees for various department permit, approval, and inspection programs, to implement AS 44.46.025 as follows:

In response to a statement of legislative intent made by the 1991 Legislature, that a portion of the department's operating budget be funded through the imposition of "user fees," for the purpose of putting state government on a more self-supporting basis, the department proposes to impose permit, approval, and inspection fees for certain department programs, including: **18 AAC 15, Permit Approvals** (for public notices of permit applications); **18 AAC 30, Environmental Sanitation** (food stores and markets, food processing establishments and storage facilities); **18 AAC 31, Food Service** (restaurants, bars, limited and mobile food service establishments); **18 AAC 34, Fish Inspection** (shellfish harvesters, shellfish shippers, shellfish repackers, shellfish packers, processing vessels, landbased processing operations, canneries, shellfish certification); **18 AAC 36, Animal Health** (EIA testing for equines); **18 AAC 50, Air Quality Control** (plan review and permit fees, open burning, incinerators, asphalt plants, soil remediation units, electric utilities, and other facilities subject to 18 AAC 50); **18 AAC 52, Emissions Inspection and Maintenance Requirements for Motor Vehicles**; **18 AAC 62, Hazardous Waste** (for burners and marketers of used oil, generators, and hazardous waste treatment, storage, or disposal facilities); **18 AAC 72, Wastewater Disposal** (permits and renewals, plan reviews and certifications, and EIS reviews, but excluding subdivision plan reviews); **18 AAC 75, Oil and Hazardous Substances Pollution Control** (proof of financial responsibility, and plan approvals for oil terminal facilities, oil tank vessels and barges, pipeline facilities, exploration facilities, and production facilities); and **18 AAC 80, Drinking Water** (plan approvals for Class A, Class B, and Class C public water systems).

This notice also clarifies certain programs that are affected, and includes fee requirements for pipeline facilities, exploration and production facilities subject to 18 AAC 75 which were inadvertently not included in the original public notice.

NOTICE IS ALSO GIVEN that any person interested may present oral or written statements or arguments relevant to the proposed action at a public hearing or teleconference to be held as indicated below. The hearings might be extended beyond the time indicated to accommodate those persons present before 8:30 p.m. who have not had an opportunity to testify.

DATE	TIME	COMMUNITY	LOCATION	TYPE OF HEARING
3/23/92	7-9 pm	CORDOVA	City Council Chambers Centennial Hall 622 First Street	Public Hearing
3/23/92	7-9 pm	KING SALMON	ComSerFac Building FAA Housing Complex	Public Hearing
3/23/92	7:30-9:30 pm	KODIAK	Adult Learning Center Studio 117 Benny Benson Drive	Public Hearing
3/23/92	7-9 pm	SOLDOTNA	Borough Assembly Meeting Rm 144 N. Binkley	Public Hearing
3/24/92	7-9 pm	ANCHORAGE	Loussac Library Wilda Marston Theater 3600 Denali	Public Hearing
3/24/92	7-9 pm	BETHEL	KVNA Building Conference Rm 841 River Street	Public Hearing
3/24/92	7-9 pm	VALDEZ	City Council Chambers 212 Chenega	Public Hearing
3/25/92	7-9 pm	DUTCH HARBOR	High School Auditorium	Public Hearing
3/25/92	7-9 pm	FAIRBANKS	Noel Wien Library Auditorium 1215 Cowles Street	Public Hearing
3/25/92	7-9 pm	JUNEAU	Centennial Hall, Ballroom 101 Egan Drive	Public Hearing

3/25/92	7-9 pm	SITKA	Centennial Building 330 Harbor Drive	Public Hearing
3/25/92	7-9 pm	WASILLA	City Council Chambers 290 E. Herning	Public Hearing
3/26/92	7-9 pm	KETCHIKAN	High School, Multi-service Rm 2610 Fourth Avenue	Public Hearing
3/26/92	7-9	NOME	City Council Chambers 61 Hunter Way	Public Hearing
3/26/92	7-9 pm	TOK	Tok Community Center	Public Hearing
3/26/92	7-10 pm	BARROW	Legislative Information Office	Teleconference
3/26/92	7-10 pm	CHITINA	Legislative Information Office	Teleconference
3/26/92	7-10 pm	DELTA JUNCTION	Legislative Information Office	Teleconference
3/26/92	7-10 pm	DILLINGHAM	Legislative Information Office	Teleconference
3/26/92	7-10 pm	GLENNALLEN	Legislative Information Office	Teleconference
3/26/92	7-10 pm	HOMER	Legislative Information Office	Teleconference
3/26/92	7-10 pm	KOTZEBUE	Legislative Information Office	Teleconference
3/26/92	7-10 pm	PALMER	Legislative Information Office	Teleconference
3/26/92	7-10 pm	PAXSON	Meier's Lake Roadhouse	Teleconference
3/26/92	7-10 pm	PETERSBURG	Legislative Information Office	Teleconference
3/26/92	7-10 pm	SEWARD	Seward Community Library	Teleconference
3/26/92	7-10 pm	SLANA	Duffy's Roadhouse	Teleconference
3/26/92	7-10 pm	WRANGELL	Legislative Information Office	Teleconference
4/20/92	7-9 pm	ANCHORAGE	Loussac Library Wilda Marston Theater 3600 Denali	Public Hearing

In addition, written statements or arguments relevant to the proposed action may be sent to Ms. Janice Adair, Special Assistant to the Commissioner, Alaska Department of Environmental Conservation, 410 Willoughby Avenue, Suite 301, Juneau, AK 99801. **Comments will be included in the record if they are received on or before April 30, 1992.**

This action is not expected to require an increased appropriation.

A copy of the proposed regulations may be picked up at each public hearing or teleconference, at 410 Willoughby Avenue, Suite 301, Juneau, or at any regional office of the department. A copy may also be obtained by writing to Office of the Commissioner, Alaska Department of Environmental Conservation, 410 Willoughby Avenue, Suite 301, Juneau, AK 99801. To expedite getting a copy to you, please write the word "Regulations" in the bottom, left-hand corner of the envelope. Questions about the proposal may be referred to Billie Wilson at 465-5061.

The department, after the deadline stated above, will either adopt these or other proposals dealing with the same subject, without further notice. Based upon public comments, the department may decide to increase or lower proposed fees. Alternatively, the department may decide to take no action on the proposals.

Dated at Juneau, Alaska, this 6th day of March, 1992.

for Janice Adair
John A. Sandor, Commissioner
Department of Environmental
Conservation

Titie 18, Chapters 15, 30, 31, 34, 36, 50, 52, 62, 72, 75, and 80, and the respective contents lists, are amended to read:

18 AAC 15. ADMINISTRATIVE PROCEDURES

18 AAC 15.050 is amended to read:

18 AAC 15.050. PUBLIC NOTICE. (a) Immediately after submitting [THE SERVICE OF] a complete application for a public pesticide project permit, a solid waste permit, a short-term variance from water quality standards, an oil discharge prevention and contingency plan approval, or a wastewater disposal permit, the applicant shall [CENTRAL OFFICE WILL] publish at least two consecutive notices of the application in at least one [A] newspaper of general circulation in the area that would be affected by the operation, and in other media the department [CENTRAL OFFICE] considers appropriate.

(b) The contents of a p[P]ublic notice required under this section must be approved by the department before publication. After a finding by the department that an application is complete, the department will advise the applicant of

(1) any changes that must be made to the public notice;

(2) the number of times the notice must be published; and

(3) the number of newspapers in which the notice must appear.

(c) A public notice required under this section must [WILL] include

(1) the name and address of the applicant, and the location of the facility, operation, or activity;

(2) a brief [SUMMARY] description of the proposed facility, operation, or activity, including its type, size, and manner of operation;

(3) a description of the likely discharges, emissions, prevention and response capability, if applicable, or other environmental impacts that will be caused by the operation;

(4) a statement that a person who wants to express an opinion to the department in regard to the application may do so by submitting [FILING] written comments to [WITH] the department within 30 days after [THE SECOND] publication of notice; [AND]

(5) a statement that copies of the application, and any accompanying plans, are available for review at the appropriate regional office, or at another location chosen by the department, and that any [THE] person will be sent a copy of the application upon request; and

(6) a statement that the department will hold a public hearing on the application if a written request for a hearing is received within 30 days after publication of the notice, and if good cause is shown for holding a hearing.

(d)[(c)] The applicant is responsible [HAS THE RESPONSIBILITY] for publishing the public notice as required in (a) of this section, including cost of publication [OF APPLICATION FOR A PUBLIC PESTICIDE PROJECT PERMIT]. A[N] publisher's affidavit of publication of a notice that meets [IN CONFORMITY WITH] the requirements of (b) of this section must be submitted to the department before a permit will be issued [INCLUDED WITH THE APPLICATION. THE PUBLIC NOTICE MUST INCLUDE A STATEMENT THAT THE DEPARTMENT WILL HOLD A PUBLIC HEARING ON THE APPLICATION IF 50 OR MORE RESIDENTS IN THE AFFECTED AREA, OR THE GOVERNING BODY OF AN AFFECTED MUNICIPALITY, MAKE A REQUEST TO THE CENTRAL OFFICE FOR A HEARING WITHIN 30 DAYS AFTER PUBLICATION OF THE SECOND NOTICE]. (Eff. 11/25/66, Register 64; am 1/7/87, Register 100; am / /92, Register)

Authority:	AS 44.46.025	AS 46.03.320
	AS 46.03.020(10)	AS 46.03.330
	AS 46.03.090	AS 46.03.720
	AS 46.03.100	AS 46.03.740
	AS 46.03.110	AS 46.04.030

18 AAC 30 - ENVIRONMENTAL SANITATION

ARTICLE 1. FOOD STORES AND MARKETS

18 AAC 30 is amended by adding new sections to read:

Section

18 AAC 30.165. INSPECTION FEES. (a) The owner or operator of an establishment subject to the requirements of 18 AAC 30.100 -- 18 AAC 30.170 shall pay the following applicable annual fee for department inspections made to ensure compliance with the applicable provisions of this chapter:

(1) for a convenience store: $50; and

(2) for a market: $150.

(b) For purposes of this section, "convenience store" means a small retail store with a limited inventory of mainly prepackaged items.

(c) If the department is unable to conduct one or more inspections during the year for which the annual fee was paid, no fee will be due for the following year. (Eff. / /92, Register)

Authority: AS 17.20.180 AS 44.46.020 AS 44.46.025

ARTICLE 2. FOOD PROCESSING AND STORAGE FACILITIES

Section
200. Applicability
210. Building design
220. Building construction and maintenance
230. Equipment, utensils, and food-contact surfaces
240. Sanitary installations
250. Employee hygiene
260. Processes and controls
270. Refrigeration
280. Labeling
285. Inspection fees
290. Definitions

18 AAC 30.285. INSPECTION FEES. (a) The owner or operator of an establishment listed in this section shall pay an annual fee of $100 for department inspections made to ensure compliance with the applicable provisions of this chapter:

(1) a food processing establishment; or

(2) a warehouse where food intended for human consumption is stored.

(b) If the department is unable to conduct one or more inspections during the year for which the annual fee was paid, no fee will be due for the following year. (Eff. / /92, Register)

Authority: AS 17.20.180
AS 44.46.020
AS 44.46.025

18 AAC 31 - FOOD SERVICE

ARTICLE 9. COMPLIANCE PROCEDURES

18 AAC 31 is amended by adding a new section to read:

Section
440. Permits
450. Inspections
460. Plan review
470. Examination and condemnation of food
480. Inspection fees
490. Waiver of requirements

18 AAC 31.480. INSPECTION FEES. (a) Except for a nonprofit establishment, the owner or operator of an establishment that is subject to this chapter shall pay the following applicable annual fee for department inspections made to ensure compliance with the applicable provisions of this chapter:

(1) for a food service establishment with 0 - 25 seats: $50;
(2) for a food service establishment with 26 - 50 seats: $100;
(3) for a food service establishment with more than 50 seats: $200;
(4) for a mobile food service establishment: $50;
(5) for a temporary food service establishment: $10;
(6) for a bar
(A) that is not included with a restaurant inspection in the same establishment: $150; or
(B) that is included with a restaurant inspection in the same establishment: $50;
(7) for a change of ownership: $50; and
(8) for each reinspection made after a finding of noncompliance: $50.

(b) If the department is unable to conduct one or more inspections during the year for which the annual fee was paid, no fee will be due for the following year.

(c) The department will, in its discretion, waive the inspection fee for an establishment operated by a federal, state, or local government agency. (Eff. / /92, Register)

Authority: AS 03.05.011 AS 44.46.020
AS 03.05.020 AS 44.46.025

18 AAC 34 - FISH INSPECTION

18 AAC 34.020(a) is amended to read:

(a) An establishment or vessel that processes fisheries products may not operate without a current annual permit issued by the department, and subject to the applicable fee set out at 18 AAC 34.905. The department will issue a permit if the establishment or vessel demonstrates that it can operate in compliance with this chapter. An establishment or vessel shall comply with the terms of its permit. (Eff. 6/24/79, Register 70; am 9/1/82, Register 83; am 3/1/84, Register 89; am 8/26/89, Register 111; am / /92, Register)

Authority: AS 03.05.011 AS 17.20.060
AS 03.05.020(a) AS 17.20.180
AS 03.05.025 AS 44.46.020
AS 03.05.040 AS 44.46.025
AS 17.20.050 AS 46.03.100
AS 46.03.110

ARTICLE 9. GENERAL PROVISIONS

18 AAC 34 is amended by adding a new section to read:

Section
900. Waiver requirements
905. Permit fees
910. Definitions

18 AAC 34.905. PERMIT FEES. (a) A person who is subject to the requirements of this chapter shall pay the following applicable annual permit fee:

(1) shellfish harvester: $25;
(2) shellfish shipper: $25;
(3) shellfish re-packer: $50;
(4) shellfish packer: $100;
(5) processing vessel, less than 65 feet: $100;
(6) processing vessel, 65 feet or larger: $325;
(7) small landbased processing operation: $125;
(8) large landbased processing operation: $325;
(9) cannery processing less than 5,000 pounds per day: $175;
(10) cannery processing 5,000 pounds per day or more: $325; and
(11) shellfish certification:

(A) initial, five-day certification: $750; and
(B) recertification, one day: $325.

(b) A person whose operation includes more than one of the categories listed in (a) of this section shall pay only one fee, representing the highest applicable category.

(c) For purposes of this section,

(1) "large landbased processing operation" means an operation that processes 5,000 or more pounds per day of incoming product; and

(2) "small landbased processing operation" means an operation that processes up to 5,000 pounds per day of incoming product. (Eff. / /92, Register)

Authority: AS 03.05.011 AS 44.46.025
AS 03.05.020 AS 44.46.020

18 AAC 36 - ANIMAL HEALTH

18 AAC 36.035 is amended by adding a new subsection to read:

(b) A person who submits a blood sample for an EIA test shall pay the following applicable fee:

(1) EIA testing performed during normal working hours: $10; or

(2) EIA testing performed outside normal working hours: $50 per hour, with a one-hour minimum. (Eff. 9/1/82, Register 83; am / /92, Register)

Authority: AS 03.05.020
AS 44.46.025

18 AAC 50 - AIR QUALITY CONTROL

ARTICLE 3. PERMIT REVIEW CRITERIA

18 AAC 50 is amended by adding a new section to read:

Section
400. Application review and issuance of permit to operate
410. (Repealed)
415. Plan review and permit fees

18 AAC 50.415 PLAN REVIEW AND PERMIT FEES. (a) The owner or operator of a facility that is subject to the requirements of this chapter shall pay the following applicable fee before the department will issue a permit to that facility:

(1) for a preliminary review and analysis of an application: $25; or
(2) open burning approval under

(A) 18 AAC 50.030(b)(2): $500;
(B) 18 AAC 50.030(c): $500; or
(C) 18 AAC 50.030(e), for a project greater than 40 acres: $500.

(b) The owner or operator of a new or modified facility that is subject to the requirements of 18 AAC 50.300(a)(5) or 18 AAC 50.300(a)(6) shall pay a fee of $5,000 before the department will process the completed application for the facility.

(c) The owner or operator of a facility with a current Air Quality Control Permit to Operate shall pay the following applicable annual fee:

(1) for a facility that is composed only of one or more incinerators and associated equipment: $3,000;

(2) for an asphalt plant

(A) that processes up to 10,000 tons per year: $1,500; or
(B) that processes 10,000 or more tons per year: $3,000;

(3) for a soil remediation unit: $6,000;

(4) for an electric utility with allowable emissions of regulated air contaminants in an amount that is

(A) less than 500 tons per year: $3,000;
(B) between 500 and 2,000 tons per year: $8,000;
(C) between 2,000 and 4,000 tons per year: $25,000;

(D) more than 4,000 tons per year: $50,000;

(5) for a facility that is not described in (1), (2), (3), or (4) of this subsection, with allowable emissions of regulated air contaminants in an amount that is

(A) less than 500 tons per year: $3,000;
(B) between 500 and 2,000 tons per year: $9,000;
(C) between 2,000 and 4,000 tons per year: $30,000;
(D) more than 4,000 tons per year: $60,000. (Eff. / /92, Register)

Authority: AS 44.46.025 AS 46.03.150
AS 46.03.010 AS 46.03.160
AS 46.03.020 AS 46.03.170
AS 46.03.140

NOTE: The federal Clean Air Act Amendments of 1990 require the states to set permit fees "sufficient to cover all reasonable (direct and indirect) costs required to develop and administer the permit program requirements of this title . . .". The federal criteria for the fee structure will likely require the future adoption of fees substantially higher than set out above for operations subject to the federal amendments.

18 AAC 52 - EMISSIONS INSPECTION AND MAINTENANCE REQUIREMENTS FOR MOTOR VEHICLES

18 AAC 52 is amended by adding a new section to read:

Section
10. Purpose and general requirements
20. Vehicles subject to this chapter
30. Maintenance practices
40. Emissions inspection programs
50. Emissions standards
60. Alternative standards
70. Waivers
80. Certificate of inspection fees
900. Definitions

18 AAC 52.080. CERTIFICATE OF INSPECTION FEES. In an area where a vehicle emissions inspection program is implemented, and if the department is the implementing agency, a person subject to this chapter shall pay the following applicable fee for a certificate of inspection required under this chapter:

(1) for an area in which the vehicle registration is less than 30,000 vehicles: $25; or

(2) for an area in which the vehicle registration is 30,000 or more vehicles: $10. (Eff. / /92, Register)

Authority: AS 44.46.025 AS 46.03.140
AS 46.03.020 AS 46.03.190

18 AAC 62 - HAZARDOUS WASTE

ARTICLE 6. GENERAL PROVISIONS

18 AAC 62 is amended by adding a new section to read:

Section
900. Rulemaking petitions
905. Hazardous waste activity fees
910. Required testing
920. Waste delisting
980. Definitions for regulations adopted by reference
990. Additional definitions

18 AAC 62.905. HAZARDOUS WASTE ACTIVITY FEES. (a) The owner or operator of a facility that is subject to the requirements of this chapter shall submit with the annual report required under 18 AAC 62.220, 18 AAC 62.320, or 18 AAC 62.420, the following applicable annual hazardous waste activity fee, based on the type and amount of hazardous waste activity in the year covered by the report:

(1) for no activity: $10;
(2) for a burner or marketer of used oil: $10;
(3) for a conditionally exempt small quantity generator: $15;
(4) for a transporter: $50;
(5) for a small quantity generator: $100;
(6) for a large quantity generator: $1,000; and
(7) for a hazardous waste treatment, storage, or disposal facility: $1,000.

(b) The generator category is determined, based on the highest generator category in a calendar year. For purposes of this section,

(1) "conditionally exempt small quantity generator" means a generator who generates no more than 100 kilograms of hazardous waste in a calendar month;

(2) "large quantity generator" means a generator who generates 1,000 kilograms or more in a calendar month; and

(3) "small quantity generator" means a generator who generates more than 100 kilograms, but less than 1,000 kilograms of hazardous waste in a calendar month. (Eff. / /92, Register)

Authority: AS 44.46.025 AS 46.03.299
AS 46.03.020 AS 46.03.302

18 AAC 72 - WASTEWATER DISPOSAL

ARTICLE 1. DOMESTIC WASTEWATER

18 AAC 72.010(a) is amended to read:

(a) A person who disposes of domestic wastewater into or onto land, surface water, or groundwater in Alaska must have a permit issued by the department for that disposal, and must pay the permit fee set out in (d) of this section, unless the discharge

(1) is from a soil absorption system and meets the applicable requirements of this chapter; or

(2) is no more than 500 gallons per day of wastewater that

(A) meets the requirements of 18 AAC 72.040 [regarding minimum treatment]; and

(B) is from a [domestic wastewater] system that meets the requirements of 18 AAC 72.210 -- 18 AAC 72.285.

18 AAC 72.010 is amended by adding a new subsection to read:

(d) For a wastewater disposal permit required under (a) of this section, and for any subsequent permit renewal, the applicant shall submit with the application required under 18 AAC 15.020, the following applicable fee:

(1) 0 -- 500 gallons per day (gpd): $100;

(2) 501 -- 2,500 gpd: $200;

(3) 2,501 -- 20,000 gpd: $400;

(4) 20,001 -- 50,000 gpd: $1000;

(5) 50,001 -- 250,000 gpd: $1600;

(6) 250,001 -- 750,000 gpd: $2400;

(7) more than 750,000 gpd: $3200;

(8) mixing zones:

(A) 0 -- 1,500 gpd: $200;

(B) 1,501 -- 20,000 gpd: $500;

(C) 20,001 -- 500,000 gpd: $750;

(D) more than 500,000 gpd: $1000;

(9) renewal fee: the renewal fee is

(A) the same as the initial permit fee if the application for renewal is received after the deadline set in (B) of this paragraph; or

(B) 40 percent of the initial fee if the application for renewal is received at least 30 days before the permit expires; and

(10) minor modification: 20 percent of the initial fee, with a $100 minimum. (Eff. 6/30/90, Register 114; am / /92, Register)

Authority: AS 44.46.020 AS 46.03.080
AS 44.46.025 AS 46.03.100
AS 46.03.020 AS 46.03.720
AS 46.03.050

ARTICLE 2. DOMESTIC WASTEWATER SYSTEM PLAN REVIEW

18 AAC 72 is amended by adding new sections to read:

Section

18 AAC 72.212. PLAN REVIEW AND CERTIFICATION FEES. For a system plan review under 18 AAC 72.225 that does not involve a bank loan certification and that does not include a project constructed under AS 46.03.030 or AS 46.07, the applicant shall submit the following applicable fee:

(1) 0 -- 500 gpd: $100;
(2) 501 -- 2,500 gpd: $150;
(3) 2,501 -- 20,000 gpd: $450;
(4) 20,001 -- 50,000 gpd: $700;
(5) 50,001 -- 250,000 gpd: $1,000;
(6) 250,001 -- 750,000 gpd: $1,400;
(7) more than 750,000 gpd: $1,800;
(8) bank loan certification: $200;
(9) minor modification: 20 percent of initial fee, with a $100 minimum;

or

(10) for sewer repair, replacement, or extension of

(A) less than 200 feet: $200;
(B) 200 -- 1,000 feet: $500; or
(C) more than 1,000 feet: $1,000. (Eff. / /92, Register)

(Eff. / /92, Register)

Authority: AS 44.46.020 AS 46.03.050
AS 44.46.025 AS 46.03.090
AS 46.03.020 AS 46.03.720

ARTICLE 6. NONDOMESTIC WASTEWATER SYSTEM PLAN REVIEW

Section

18 AAC 72.610. PLAN REVIEW AND PERMIT FEES. (a) A person seeking department approval under 18 AAC 72.600 shall pay a permit application, modification, or renewal fee based upon a point system, with points allocated for a facility and calculated on an application form provided by the department, as determined by

(1) EPA's Standard Industrial Classification (SIC) code, as modified by the department's group class identified on the application form **[a copy is provided at the end of this subsection for purposes of the public comment period only; the table will not appear in the published Code, but will be included with the application form];**

(2) the average daily flow in millions of gallons per day;

(3) the complexity, toxicity, and concentration of pollutants;

(4) the EPA Major/Minor designation;

(5) the sensitivity of the receiving environment;

(6) the magnitude of public concern and interaction in the permitting process; and

(7) monitoring requirements.

SIC CODE CLASSIFICATIONS

Note: Classification ranges from I to VI, minor pollutants with little potential to damage enironment to toxic pollutants with considerable potential to damage environment.

"NEC" means not elsewhere classified.

SIC CODE	DESCRIPTION	INDUSTRY SUBCATEGORY	CLASSI-FICATION
241	Dairy farms		II
291	General farms, primarily animal		II
851	Forestry services		III
912	Finfish		V
921	Fish hatcheries and preserves		V
1031	Lead and zinc ores		V
1041	Gold ores	Hard rock mining	V
1041	Gold ores	Placer mining	III
1044	Silver ores		IV
1061	Ferroalloy ores, except vanadium		V
1081	Metal mining services		II
1099	Metal ores, nec		IV
1221	Bituminious coal and lignite-suface		IV
1311	Crude petroleum and natural gas		IV
1321	Natural gas liquids		IV
1381	Drilling oil and gas wells		IV
1382	Oil and gas exploration services		III
1389	Oil and gas field services, nec		III
1429	Crushed and broken stone, nec		III
1442	Construction sand and gravel		III
1521	Single family housing construction		II
1522	Residental construction, nec		II
1541	Industrial buildings and warehouses		II
1611	Highway and street construction		II
1623	Water, sewer, and utility lines		III
1629	Heavy construction, nec		II
1794	Excavation work		III
1799	Special trade contractors, nec		II
2077	Animal and marine fats and oils		III
2092	Fresh or frozen prepared fish		III
2099	Food preparations,nec		IV
2411	Logging		III
2421	Sawmills and planing mills general		II
2611	Pulp mills		III
2873	Nitrogenous fertilizers		III
2911	Petroleum refining	Mineral oil &sulfonated hydrocarbons	III
2911	Petroleum refining	Ballast water only	III

2911	Petroleum refining	Topping subcategory (40 CFR 419)	IV
2911	Petroleum refining	Cracking subcategory <120,000 BBL (40 CFR 419)	V
2911	Petroleum refining	Cracking subcategory >=120,000 BBL (40 CFR 419)	VI
2911	Petroleum refining	Petrochemical, lube & integrated subcategories	VI
2951	Asphalt paving and mixtures and blocks		III
3531	Construction machinery		II
4011	Railroads, line-haul operating		II
4491	Marine cargo handling	Crude oil	V
4491	Marine cargo handling	Barge cleaning	IV
4491	Marine cargo handling	Petroleum storage, canning, vessel loading	IV
4931	Electric and other services combined	Cooling tower blowdown	IV
4931	Electric and other services combined	Once through cooling water	IV
4941	Water supply		I
4953	Refuse systems	Landfill	III
4953	Refuse systems	Process primary sludge	III
4953	Refuse systems	Wastes from grease traps	III
4953	Refuse systems	Clean up inactive waste treatment system	III
4953	Refuse systems	Industrial waste treatment system	V
4953	Refuse systems	Industrial centralized wastewater treatment facility	IV
4959	Sanitary services NEC		III
4961	Steam and air-conditioning supply		II
5171	Petroleum bulk stations & terminals	Petroleum products	III
5171	Petroleum bulk stations & terminals	Bulk liquids	IV
5171	Petroleum bulk stations & terminals	Crude oil	III
5171	Petroleum bulk stations & terminals	Crude oil storage in salt caverns	IV
5812	Eating places		IV
6513	Apartment building operators		II
6514	Dwelling operators, exc. apartments		II
6515	Mobile home site operators		II
6552	Subdividers and developers, nec		II
6732	Educational, religious, exc. trusts		II
7011	Hotels and motels		II
7021	Rooming and boarding houses		II
7033	Trailer parks and campsites		II
7384	Photofinishing laboratories		III
7519	Utility trailer rental		II
7542	Carwashes	Car wash	II
7542	Carwashes	Truck & heavy equipment wash	II
8062	General medical & surgical hospitals		IV
8211	Elementary and secondary schools		II
8733	Noncommercial research organizations		III
9223	Correctional institutions		II
9512	Land, mineral, wildlife conservation		I
9631	Regulation, admin. of utilities		I
9999	Nonclassifiable establishments		III

(b) The applicant shall determine estimated points on the application form. A final point category will be determined by the department during the permit review process for purposes of establishing the permit or approval fee.

(c) The applicant shall submit the initial estimate of the permit fee amount, and pay a deposit equal to 50 percent of the estimated fee upon application for a permit. If the applicant cancels the application, or if the department denies the permit, the unused balance of the deposit will be returned to the applicant. That portion of the deposit used will be determined by the department, and a copy of the justification for the amount will be provided to the applicant.

(d) The final fee amount due must be paid before the department will issue a permit under this section.

(e) Except for state certification of a federal NPDES permit, no fee will be required for department review and certification of any other federal permit. Except for the fee for a placer mining NPDES permit, no fee will be required for review of the Annual Placer Mining Application. (Eff. / /92, Register)

Authority: AS 44.46.020 AS 46.03.090
AS 44.46.025 AS 46.03.710
AS 46.03.020 AS 46.03.720
AS 46.03.050

[The following information will not appear in the published Code. It will be contained on the application form. It is set out here for purposes of the public comment period on these proposed regulations.] Points will be calculated as follows:

1. POLLUTANT POTENTIAL

Primary SIC Code

Group_____	I	(0 points)
_____	II	(10 points)
_____	III	(15 points)
_____	IV	(20 points)
_____	V	(30 points)
_____	VI	(40 points)

Points Assigned = _____

2. FLOW VOLUME

Wastewater Type	Flow	Points
Type I - Requires a mixing zone	<.05 mgd	3 points
Flow = _____	>.05 but<.25	5 points
	>.25 but <2.0	10 points
	>2.0 but <4.0	20 points
	>4.0 but <6.0	30 points
	>6.0 but <8.0	40 points
	>8.0 but <10.0	50 points
	>10.0 mgd	60 points

Type II - Does not require a mixing zone Flow = _____	<1.0 mgd >1.0 but <5 >5.0 but <10 >10 but<50 >50 but <500 > 500 mgd	3 points 10 points 20 points 30 points 40 points 50 points

Points Assigned = _____ (Maximum 60 points)

3. TRADITIONAL POLLUTANTS

(a) OXYGEN DEMAND (*)

Daily Average Load = _____ (BOD, COD, or TOC Value)	< 50 lb/day >50 but <100 >100 but <250 >250 but <500 >500 but <750 >750 but <1000 >1000 but <3000 >3000 lb/day	1 point 5 points 10 points 20 points 30 points 40 points 60 points 80 points

Points Assigned = _____
(* COD and TOC limits are converted to BOD values and the higher value is used.)

(b) TSS

Daily Average Load = _____	< 50 lb/day >50 but<100 >100 but<250 >250 but<500 >500 but<750 >750 but<1000 >1000 but<3000 >3000 lb/day	1 point 5 points 10 points 20 points 30 points 40 points 60 points 80 points

Points Assigned = _____

(c) AMMONIA

Daily Average Load = _____	<250 lb/day >250 but<500 >500 but<1000 >1000 but<3000 >3000 lb/day	0 points 10 points 20 points 30 points 40 points

Points Assigned = _____

4. MAJOR/MINOR DESIGNATION

If facility is rated as EPA minor facility	0 points
If facility is rated as EPA major facility	10 points

Points Assigned = _____

5. SENSITIVE RECEIVING ENVIRONMENT (as defined at 18 AAC 72.990)

Discharge not to a sensitive receiving environment	0 points
Discharge to a sensitive receiving environment	40 points

Points Assigned = _____

6. PUBLIC CONCERN/INVOLVEMENT/SENSITIVITY.

Little or no public involvement / no public hearings	0 points
Some public involvement / one public hearing	20 points
Considerable public involvement / more than one public hearing	40 points

Points Assigned = _____

7. MONITORING REQUIREMENTS

Field, physical or laboratory analysis	0 points
Above tests plus basic receiving water monitoring	20 points
Above tests plus sediment, seawater, whole effluent toxicity, biomonitoring, or other complex tests	40 points

Points Assigned = _____

TOTAL POINTS ASSIGNED = _____

RATE = _____ /POINT

TOTAL FEE ASSESSED = $_____

NOTES:

(1) NPDES certification, single review of a group of NPDES permits: $100 per permit; and

(2) Renewals: the renewal fee will be the same as the initial fee unless

(A) adjusted by the department, in its discretion, based on point reductions set out on the renewal application form; or

(B) the renewal application is received at least 30 days before the permit expires, with the adjusted fee to be 20 percent of the initial permit fee.

RENEWAL FEE POINT ADJUSTMENTS:

(1) If Discharge Monitoring Reports were submitted in a timely fashion, and no violations occurred during life of permit: deduct 20 points;

(2) If Discharge Monitoring Reports were submitted in a timely fashion during life of permit: deduct 10 points;

(3) If monitoring plan with QA/QC program, data quality objectives, operates according to Best Management Practices or practices pollution prevention in construction and operation of the facility results in improved effluent discharge to the prior year: deduct 5 points for each practice;

(4) If there was a discharge violation within the year before renewal: add 10 points;

(5) If there was a discharge violation within the year before renewal, plus two or more DMR's were not submitted: add 20 points.

CALCULATING FEE:

(1) Point rates are:

	Permits or Reviews	Permit modifications and renewals
State	$20 per point	$4 per point
NPDES	$50 per point	$50 per point
EIS	$100 per point	
EA	$20 per point	

Plan Review: $4 per point

(2) For purposes of fee calculation, COD and TOC are converted to BOD values and the higher converted value is assessed points. The conversion for TOC is: three pounds of TOC is equal to one pound of BOD (3:1). The conversion for COD is eight pounds of COD is equal to one pound of BOD (8:1).

(3) If a permit is not a general permit and is for a short-term discharge, the points for flow fee assessment will be the same as the points rating determined under the "Sensitivity of receiving environment" category.

(4) EIS review fees specified in 18 AAC 72.610 are those fees applicable to aspects affecting the department's wastewater discharge review program only. If other department programs are involved, such as air quality, the project may be subject to another review fee.

(5) Sensitivity of the Receiving Environment shall be determined in accordance with the definition in 18 AAC 72.990.

DEFINITIONS: For purposes of this application,

(1) "BOD" means five-day Biochemical Oxygen Demand;

(2) "COD" means Chemical Oxygen Demand;

(3) "EPA Major classification" means, for a municipal treatment plant, discharging more than one million gallons per day, or a controversial discharge; for an industrial facility, a controversial discharge, or more than 80 points on the EPA rating system;

(4) "EPA Minor classification" means a discharge that is not a major classification;

(5) "TOC" means Total Organic Carbon; and

(6) "TSS" means Total Suspended Solids.

ARTICLE 9. GENERAL PROVISIONS

18 AAC 72.910(a) is amended to read:

(a) Application for a general permit must be made in accordance with AS 46.03.110 and 18 AAC 15, and the application must be accompanied by the applicable permit fee set out in (e) of this section.

18 AAC 72.910 is amended by adding a new subsection to read:

(e) If the department has granted a general permit, an applicant for coverage under a general permit shall submit the following applicable fee:

(1) $100 per discharge for a domestic wastewater application;

(2) $200 per discharge for a nondomestic wastewater application; or

(3) $100 per discharge application for a one-time nondomestic wastewater activity discharging for less than one year. (Eff. 6/30/90, Register 114; am / /92, Register)

Authority: AS 44.46.020
AS 44.46.025
AS 46.03.020
AS 46.03.050
AS 46.03.070
AS 46.03.080
AS 46.03.090
AS 46.03.100
AS 46.03.110
AS 46.03.710
AS 46.03.720

NOTE: The following proposed amendments to 18 AAC 75 are based on an adopted, but not yet effective, version of that chapter rather than the version of that chapter which is currently published in the Alaska Administrative Code and which will be state law until replaced by the adopted version that is now being reviewed by the Attorney General.

18 AAC 75 - OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTROL

ARTICLE 2. FINANCIAL RESPONSIBILITY

18 AAC 75 is amended by adding a new section to read:

Section
200. Application for approval
205. Applications submitted by facsimile
210. Renewals
215. Amount and evidence of financial responsibility
220. Certificate of proof of financial responsibility
225. Self-insurance
230. Insurance
235. Surety
240. Guaranty
245. Letters of credit
250. Other proof of financial responsibility
255. Service of process
260. Classification as an oil terminal facility
265. Liquid bulk oil cargo and exempt containers used to carry liquid bulk oil
270. Oil terminal facilities
275. Enforcement
280. Fees

18 AAC 75.280. FEES. A person seeking department approval of proof of financial responsibility under this chapter shall submit the following applicable fee

(1) for review of each application, including renewals: $150; and

(2) for each certificate of approval issued, including additional copies of each certificate: $50. (Eff. / /92, Register)

Authority: AS 44.46.025 AS 46.04.050
AS 46.03.020 AS 46.04.070
AS 46.04.040

18 AAC 80 - DRINKING WATER

ARTICLE 3. PLAN REVIEW AND APPROVAL

18 AAC 80 is amended by adding a new section to read:

Section

18 AAC 80.355. PLAN APPROVAL FEES. The owner or operator of a public water system subject to the requirements of this chapter, not including a project constructed under AS 46.03.030 or AS 46.07, shall submit the following applicable plan review fee

(1) for a Class A public water system serving

(A) 25 -- 50 people: $500;
(B) 51 -- 150 people: $1,000;
(C) 151 -- 2,000 people: $1,500;
(D) 2,001 -- 20,000 people: $2,500; or
(E) more than 20,000 people: $4,000;

(2) for a Class B public water system, the fee is 50 percent of that set for a Class A system;

(3) for a Class C public water system: $200;

(4) for a surface water source, add $500;

(5) for a waiver of the separation distance

(A) at a well: $1,000; or
(B) at ail other locations: $300;

(6) for a minor modification to a treatment plant or water source: 20 percent of the applicable fee set in (1), (2), or (3) of this section; or

(7) for distribution main repair, replacement, or extension of

(A) less than 200 feet: $200;
(B) 200 -- 1,000 feet: $500; or
(C) more than 1,000 feet: $1,000. (Eff. / /92, Register)

Authority: AS 44.46.025 AS 46.03.070
AS 46.03.020 AS 46.03.710
AS 46.03.050 AS 46.03.720

STATE OF ALASKA

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

PROPOSED "USER FEE" REGULATIONS

BACKGROUND, EXPLANATION, AND JUSTIFICATION

Pursuant to 1991 Session Laws of Alaska, Chapter 73, the Alaska Department of Environmental Conservation was directed as follows: "It is the intent of the legislature that the Department of Environmental Conservation (DEC) identify opportunities to establish and collect fees for permits and services rendered." The proposed "user fee" regulations are DEC's attempt to "identify opportunities," as directed by the 1991 Legislature. Authority to charge fees is found at AS 44.46.025 for certain DEC programs. No fees are proposed for programs without fee authority under AS 44.46.025.

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18 AAC 15 - ADMINISTRATIVE PROCEDURES

There are statutory and regulatory requirements for notice to be published for most of DEC's permits, and the procedures in this chapter apply to many of those permits. When the Legislature asked DEC to look at opportunities to recoup some costs of issuing these permits, this was one area that seemed appropriate. Since the public must be notified about a proposed activity in or near their community before DEC may issue a permit for that activity, it seemed appropriate that the person seeking the permit should pay for those notices. Cost would be actual cost billed by each newspaper.

18 AAC 30 - ENVIRONMENTAL SANITATION
18 AAC 31 - FOOD SERVICE
(Inspection fees)

TYPE OF ESTABLISHMENT	NO.	PROPOSED FEE*	ANTICIPATED REVENUE	
			FY92	FY93
Food Service				
0-25 seats	790	$ 50.00	$0.00	$ 39,500.00
26-50	500	100.00	0.00	50,000.00
> 50	760	200.00	0.00	152,000.00
Mobile	80	50.00	0.00	4,000.00
Temporary	500	10.00	0.00	5,000.00
Bar	470	150.00	0.00	70,500.00
Change of Ownership	100	50.00	0.00	2,500.00
Food Processing	90	100.00	0.00	8,000.00
Food Warehouse	25	100.00	0.00	2,500.00
Food Store				
Convenience	135	50.00	0.00	6,750.00
Retail market	135	150.00	0.00	20,250.00
Plan Review	75	25.00	0.00	1,875.00
Reinspection	100	25.00	0.00	2,500.00
TOTAL			$0.00	$365,375.00*

Basis for fee:

Personal Services Costs	$50.00
Administration (Permitting, Certification, Training)	25.00
HOURLY TOTAL	$75.00

Average Time per Task (in hours)

Food Service: Routine Inspection (2X/YR)	1.5 hrs
Food Service: Followup (As needed)	1.0
Food Service: Spot Check (As needed)	.5
Food Processing: Routine (1X/YR)	1.5
Food Processing: Followup (As needed)	1.0
Food Processing: Spot Check (As needed)	.5
Food Store: Routine (1X/Yr)	1.5
Food Store: Followup (As needed)	1.0
Food Store: Spot Check (As needed)	.5

Examples of annual inspection costs for food service inspection

2 Routine inspections at 1.5 hr each	$225.00
1 Followup inspection at 1.0 hr	50.00
TOTAL COST	$300.00

18 AAC 34 - SEAFOOD INSPECTION

(Permit fee)

TYPE OF ESTABLISHMENT	NO.	PROPOSED FEE*	ANTICIPATED REVENUE FY92	ANTICIPATED REVENUE FY93
Shellfish				
Harvester	150	25.00	$0.00	$ 3,750.00
Shipper	70	25.00	0.00	1,750.00
Re-packer	0	50.00	0.00	0.00
Packer	4	100.00	0.00	400.00
Vessel < 65 feet	100	100.00	0.00	10,000.00
Vessel > 65 feet	200	325.00	0.00	65,000.00
Landbased - small	75	125.00	0.00	9,375.00
Landbased - large	75	325.00	0.00	24,375.00
Cannery < 5000 #/day	12	175.00	0.00	2,100.00
Cannery > 5000 #/day	32	325.00	0.00	10,400.00
Shellfish certification				
Initial (5 day)	10	750.00	0.00	7,500.00
Recertification (1 day)	20	325.00	0.00	6,500.00
TOTAL			$0.00	$140,650.00**

Basis for fee: Initially fees were established at a rate that would permit the inspection program to be fully funded through assessment of user fees. Fees were based on volume, size and complexity of the processing operation. Shellfish certification fees were based on the actual cost of to the department. Fees were then adjusted to amounts which would not be prohibitively expensive.

Type of permit	Original fee	Adjusted Proposed Fee
Harvester	$ 100.00	$ 25.00
Shellfish shipper	200.00	25.00
Repacker	300.00	50.00
Shellfish packer	500.00	100.00
Vessel < 65'	500.00	100.00
Vessel > 65'	4500.00	325.00
Small landbased	1500.00	125.00
Large landbased	4500.00	325.00
Cannery < 5000#/day	2000.00	175.00
Cannery > 5000#/day	4500.00	325.00
Shellfish certification		
Initial (5 day)	$2300.00	$ 750.00

* To be collected on/or after 7-1-92.
** To be collected with annual permit on/or after 1-1-93.

18 AAC 36 - ANIMAL HEALTH

Equine Infectious Anemia (EIA) testing

Rate: Normal working hours	$10.00/analysis	
Outside normal working hours	$50.00/hr	
TOTAL	$0.00	$ 20,000.00***

Basis for fee: Fee represents actual personal services and commodities costs required to perform the analysis.

***To be collected upon receipt of samples on/or after 7-1-92.

PURPOSE OF PROPOSED FEES: Provide service to the public as required by existing statutory law in recognition of the mandates of the Alaska Legislature (AS 44.46.025(2)) and the 1990 Clean Air Act to fund these services through fees obtained by those receiving the service.

BACKGROUND

Legislative change: As a result of the enactment of Alaska Statute AS 44.46.025 in 1990, and the complementary restrictions on DEC's budget by the 1991 Legislature, DEC has been directed to propose regulations to collect fees for the program activities under AS 46.03.140 and AS 46.03.160. AS 44.46.025 states that DEC "...adopt regulations that prescribe reasonable fees, and establish procedures for the collection of fees, to cover the direct costs of the following services provided by the department:.....(2) air quality permits under AS 46.03.140 and 46.03.160...".

The Air Quality Management Section conducted a thorough investigation of the direct costs associated with review of permit applications, ambient air impact assessments, and applications under the Prevention of Significant Deterioration program; public notice and comment opportunities, conducting public hearings, administrative costs of permits; issuance, inspections, and review of reports to establish compliance with the permit. Permit costs are also a function of the amount of allowable emissions from a facility, and the potential toxicity of those emissions.

Changes in Federal Law: 1990 Clean Air Act: Another compelling reason for the assessment of fees is the mandate of the 1990 Clean Air Act (the Act). The Act mandates that each state establish a comprehensive operating permit program, or lose federal highway funds and federal air quality grants. In Alaska, the amount of annual highway grants exceeds $200 million. If a state fails to implement the permit program, the Act directs EPA to take over the operating permit program for that state.

Regardless of whether DEC or EPA is the issuing authority, a fee must be imposed for all operating permits. There are many benefits for DEC to continue to administer the program. The first is to avoid the loss of federal highway funds, federal grants for air programs, and other supplemental federal funds available to Alaskans. The loss of these funds would have a significant impact on the Alaskan economy and the state's operating budget.

The second reason is to retain primacy for managing air quality in Alaska. As most owners or operators will attest, DEC has always been more flexible and more understanding of the specific problems encountered in Alaska than has EPA. In retaining primacy, DEC can develop regulations that meet the mandates of the Act but also respond to the specific needs of Alaskan industry. Although the Act leaves little room for altering the major scope of the permit program, there are many electable features that would enable DEC to streamline the permit to a large degree, thereby improving agency efficiency and reducing overall program cost.

The third reason for DEC to implement the program is to keep the fees in Alaska. All permits, whether issued by DEC or EPA, will require a fee. If EPA collects the fees, the funds will be deposited into the US Treasury, and appropriated by Congress, not necessarily to benefit Alaskans. If administered by DEC, the fees would be retained for use by the state, in the state -- and the fees would be lower than the "presumptive minimum" fee that EPA would charge, and should reflect a more equitable and flexible fee in recognition of the economic realities of doing business in Alaska.

There are cost effective measures that DEC can employ which would be unavailable to EPA, such as the concept of a general permit that could be issued to a number of similar facilities, rather than individual permits to each facility. This not only reduces the amount of time and money required by the facility to comply with the new program, it would also substantially reduce the costs to administer the permits.

Even though fees appear to be substantial in some cases, it should be noted that these fees will not offset the true direct and reasonable costs incurred by DEC in administering the current program, or in developing the new operating permit program. If all the direct costs were transferred to current permittees, the fees would be much higher. The fees proposed are only for the interim period between the current program, and the new program mandated by the Act. As each current permit is converted to a new operating permit, the interim fees will lapse, and the facility with a new permit will be assessed fees consistent with the Act. It is expected that the new program will initiate issuing operating permits in 1995, and that all permits will be converted by 1997.

FEE DETERMINATION METHOD The fees were developed by evaluating three major areas: facilities affected, reasonable direct costs associated with administering the permit program for these facilities, and the projected impact of the Clean Air Act requirements. Facilities were categorized by industrial source code, and by the quantity and toxicity of air emissions. The specific breakdown of facilities is:

Category	Number of Facilities	Average Allowable tpy
Incinerators	8	413
Asphalt Plants	27	397
Soil Remediation units	14	679
Electric Utilities:		
0-500 tpy	14	397
500-2000 tpy	5	1047
2000-4000 tpy	2	3098
4000+ tpy	1	6425
Fuel Burning Facilities		
0-500 tpy	24	445
500-2000 tpy	22	1157
2000-4000 tpy	12	3668
4000+ tpy	9	7809

Cost of issuing permits and amendments, annual inspections or semi-annual surveillances, and review of facilities to assure compliance indicated a correlation to quantity and toxicity of emissions. EPA's "presumptive minimum" fee was examined to determine if it was a reasonable indicator of direct costs to execute the program in Alaska. The difference between the two methods was smaller than originally anticipated.

Based on projected costs of maintaining the permit program, it was determined that the interim fees need to offset one-third of the actual direct costs incurred during the next two to three years if DEC is to be capable of the development and restructuring required by the Clean Air Act. Failure to responsibly address the mandates of the Act would potentially jeopardize a much larger portion of the Alaska economy.

As one of the final considerations to evaluate equity for the proposed fee rates, the selected facility categories and proposed fees were examined to determine if a fee rate in dollars per ton of air emission would hold true across the spectrum of facilities and categories. In general, the rate of $8 per ton per year was found to be evident on average for all source categories as indicated in the following table. The proposed rate realizes slightly less than one-third of the direct costs, and about one-third of the EPA "presumptive minimum" specified in the Act.

Category	Number	Average Allowable tpy	Computed Fee @ $8/tpy	Proposed Fee
Incinerators	8	413	$ 3,304	$ 3,000
Asphalt Plants	27	397	$ 3,176	$ 3,000
Soil Remediation units	14	679	$ 5,432*	$ 6,000
Electric Utilities:				
0-500 tpy	14	397	$ 3,176	$ 3,000
500-2000 tpy	5	1047	$ 8,376	$ 8,000
2000-4000 tpy	2	3098	$ 24,784	$ 25,000
4000+ tpy	1	6425	$ 51,400	$ 50,000
Fuel Burning Facilities				
0-500 tpy	24	445	$ 3,560	$ 3,000
500-2000 tpy	22	1157	$ 9,256	$ 9,000
2000-4000 tpy	12	3668	$ 29,344	$ 30,000
4000+ tpy	9	7809	$ 62,472	$ 60,000

* Note that the fee for soil remediation units was set slightly higher than the $8 per ton per year. This difference is due to the increased permitting, inspection, and reporting requirements associated with evaluation of continuous emissions compliance.

SOME EXAMPLES OF CATEGORIES:

SOUTHEAST REGION:
Incinerators: Channel Sanitation, City of Sitka
Asphalt Plants: Associated Sand & Gravel; Summit Paving, CMI
Soil Remediation: South Coast, Inc. (AEDCO)
Electric utilities (0-500 tpy): AEL&P, Auke Bay and Lemon Creek; Haines Light & Power; Tlingit & Haida Regional Elec. Authority
Electric utilities (500-4000 tpy): (none in Southeast)
Fuel Burning Facilities (0-500 tpy): Kennecott Greens Creek Mine; Klawock Timber Alaska
Fuel Burning Facilities (500-4000 tpy): (none in Southeast)
Fuel Burning Facilities (above 4000): Alaska Pulp Corp., Sitka; LPK Ketchikan Pulp

SOUTHCENTRAL REGION:
Incinerators: Sureway Incinerator
Asphalt Plants: Alaska Roadbuilders; Quality Asphalt Paving
Soil Remediation: Anchorage Sand & Gravel
Electric utilities (0-500 tpy): Anchorage Light & Power, Ship Creek and Pt. Woronzof
Electric utilities (500-2000 tpy): Alaska Electric Generation & Transmission
Electric utilities (2000-4000 tpy): Anchorage Light & Power, Sullivan; Chugach Electric, Bernice Lake
Electric utilities (4000 plus): Chugach Electric, Beluga
Fuel Burning Facilities (0-500 tpy): USAF, Shemya
Fuel Burning Facilities (500-2000 tpy): Marathon Oil Steelhead P/F; Tesoro Petroleum Refinery
Fuel Burning Facilities (2000-4000): Unisea, Inc.
Fuel Burning Facilities (4000 plus): Phillips, Kenai LNG; UNOCAL NH3-Urea Plant

NORTHERN REGION:
Incinerators: North Slope Deadhorse Incinerator
Asphalt Plants: Fairbanks Sand & Gravel; H & H Contractors
Soil Remediation: Cold Weather Contracting; Environmental Systems, Inc.
Electric utilities (0-500 tpy): Deep Sea Fisheries
Electric utilities (500-2000 tpy): Golden Valley Electric, Healy
Electric utilities (2000-4000 tpy): Fairbanks Municipal Utility System, Chena; Golden Valley Electric, North Pole
Electric utilities (4000 plus): None in Northern Region
Fuel Burning Facilities (0-500 tpy): Alaska Railroad; PetroStar, Inc.; USAF, Eieleson
Fuel Burning Facilities (500-2000 tpy): MAPCO North Pole Refinery
Fuel Burning Facilities (2000-4000): Cominco Red Dog
Fuel Burning Facilities (4000 plus): US Army, Ft. Wainwright

Commonly asked questions about the interim permit fees, Air Quality

Q. Who pays this fee?
A. Anyone who currently has an Air Quality Control Permit to Operate from DEC.

Q. What if I don't have a permit now, but need one for the new Operating Permit Program mandated by the Clean Air Act of 1990?
A. You won't be paying a fee now. When the new Operating Permit Program is effective, a permit fee must be assessed.

Q. If I have a permitted facility that has an incinerator with a diesel electric generator which supplies power only to the incinerator, will I have to pay two fees (one for the incinerator, one for the generator)?
A. No. Each facility pays only one fee. In the case of a facility which only consists of an incinerator and associated equipment, the fee would be that for an incinerator. In all cases where multiple equipment sources exist at a facility, the applicable fee is that which governs the equipment causing the greatest quantity or toxicity of air emissions.

Q. If I have a facility which is an asphalt plant, and also does soil remediation, do I pay two fees even if I have two permits from DEC?
A. No. In this case, the facility would still only pay one fee, the fee for a soil remediation unit.

Q. I have a facility which is an asphalt plant, but it may not even operate this year. Why should I pay a fee?
A. Even though the facility does not operate, the requirements for an annual inspection and the associated permitting and reporting requirements do not change. However, in order to assess a reasonable fee for these sources and others which only operate to complete small jobs, the department will amend the proposed regulations to provide a lower fee for plants which process less than 10,000 tons annually. This lower fee will not fully cover the costs associated with inspections, surveillances, and reporting, however, the proposed change to reflect actual operating conditions was determined to be appropriate for facilities which operate on a limited basis.

Q. If I have a permitted facility which consists of fuel burning equipment, how do I know what the allowable emissions are?
A. If you have a permit that was recently issued by DEC, the allowable emissions are noted in the permit. If you have an older permit, then the allowable emission estimates may not be explicitly noted in the permit, but the state's emissions database would probably have this information (contact your respective regional air engineer). If the information is still unknown, we will contact the facility operator to evaluate the current allowable emission rate.

Q. Is it possible to lower the allowable emissions estimate to move down to the next level of permit fees?
A. Yes. This can be done by requesting limitations to the number of hours of operation, the amount of fuel burned, or the process rate. These limitations will be incorporated into a permit amendment so that they are enforceable limitations. Exceeding these enforceable limitations carries the same consequences as any other permit violation.

Q. How were the interim fees determined for each source category?
A. Each permitted facility was categorized as to type and class. Then each class was evaluated for the average allowable emissions for the class. Then, a base fee for each category type was determined from the expected number of annual inspections and surveillances, permitting activity per class, and average facility review costs. In addition, fees also reflect the net amount of air pollution emitted from a subject facility. The categories and class breakdown, as well as some examples for this region, is set out above.

18 AAC 52 - AUTO EMISSIONS INSPECTION

The municipalities of Anchorage and Fairbanks are now the implementing agencies for this program in their areas of the state (determined to be "nonattainment" areas by EPA for failure to meet the air quality requirements for carbon monoxide). The proposed fees would partially reimburse DEC should it become necessary for DEC to act as implementing agency.

18 AAC 62 - HAZARDOUS WASTE

General Philosophy: Hazardous waste user fees are structured to encourage waste minimization and pollution prevention. A large quantity generator who is able to make changes in their process or substitute nonhazardous products may be able to save $900 a year or more in user fees. Fees are currently set at a level less than that needed to fully cover the costs of administering the program.

In our federal grant workplan, we budget 11 days per facility for inspections and paperwork required for hazardous waste treatment, storage, or disposal facilities (TSD). For hazardous waste generators, 5 to 7 days are budgeted per facility. Using a cost of $300 per day for personnel and overhead, this equates to $3300 per year for a TSD, and $1500 to $2100 per year for hazardous waste generators.

While our costs are significantly less for transporters and small quantity generators, a considerable amount of staff time is still required to track manifests and process generator reports. The nominal fees of $10 proposed for generators with no activity or for burners and marketers of used oil, and $15 for Conditionally Exempt Small Quantity Generators do not even cover the cost of mailing out generator report packages and answering questions from generators.

1. **WHO DO THESE FEES APPLY TO?** The hazardous waste user fees apply to anyone who has notified the U.S. Environmental Protection Agency (EPA) of their hazardous waste activity, and has an active EPA identification number. This includes: generators, transporters, used oil burners and marketers, and Treatment, Storage and Disposal facilities (TSDs). The fees also apply to facilities that have an active ID number but do not generate any waste in a given year. For the purposes of these regulations:

Generator means any person, by site, whose act or process produces hazardous waste identified or listed in 40 Code of Federal Regulations (CFR) Part 261.

There are three categories of generators;

Conditionally Exempt Small Quantity Generators (CESQG), generate less than 220 pounds of hazardous waste and no more than 2.2 pounds of acutely hazardous waste in any calendar month and accumulate less than 2,200 pounds of hazardous waste on site;

Small Quantity Generators (SQG), generate greater than 220 pounds but less than 2,200 pounds of hazardous waste and no more than 2.2 pounds of acutely hazardous waste in any calendar month and accumulate less than 13,200 pounds of hazardous waste on site.

Large Quantity Generators (LQG), generate greater than 2,200 pounds of hazardous waste or more than 2.2 pounds of acutely hazardous waste in any calendar month.

* Note a facility's generator status can fluctuate from month to month. For the purposes of these fees the highest category of generator you achieve during the calendar year is what you must base your fee on.

Transporter means any person engaged in the offsite transportation of hazardous waste by air, rail, highway, or water.

Burner/Blenders refers to any person actively engaged in the marketing or burning of used oil for energy recovery requiring them to notify EPA of this activity pursuant to 40 CFR 266 Subpart E.

Treatment, Storage or Disposal facility (TSD), refers to any facility that treats, stores and/or disposes of a hazardous waste requiring a permit under the Resource Conservation and Recovery Act (RCRA). The definitions for each of these distinct RCRA activities is defined in 40 CFR 260.10.

2. **WHAT SERVICES WILL THESE FEES COVER?** The fees are structured to encourage waste minimization and pollution prevention. A large quantity generator who makes changes in the process or substitutes nonhazardous products may be able to save $900 a year or more in fees. Fees are less than that needed to cover the costs of administering the program. The services the fees will cover include:

Cost of inspections: DEC inspects, pursuant to the EPA RCRA Implementation Plan (RIP), every TSD at least once a year. In our federal grant workplan, we budget 11 days per facility for inspections and paperwork required for TSD facilities. For generators, 5 to 7 days are budgeted per facility. Using a cost of $300 per day for personnel and overhead, this equates to $3300 per year for a TSD, and $1500 to $2100 per year for hazardous waste generators.

Program Administration: While our costs are significantly less for transporters and small quantity generators, a considerable amount of time is still required to track manifests and process generator reports. The nominal fees of $10 proposed for generators with no activity or for burners and marketers of used oil, and $15 for Conditionally Exempt Small Quantity Generators do not even cover the cost of mailing report packages and answering questions from generators.

Technical Assistance: Program staff spend hours each day assisting the regulated community in trying to better understand the complex hazardous waste regulations. Generators, transporters and TSD's can obtain immediate answers to their regulatory questions by calling our offices, thereby reducing their chances of being exposed to large fines for noncompliance.

Annual Reporting Requirements: DEC is required by AS 46.03.305 to collect information from all facilities that have an EPA identification number for their hazardous waste activity. To prepare the reports (typeset, print and bind) costs about $1500 per year. The reports are then sent out via certified mail to over 700 notifiers of hazardous waste activity throughout the state. This is why we charge $10 even if no waste is generated.

Training: Each year the hazardous waste program has provided training to the regulated community to assist them in better understanding the regulations and keep them abreast of any changes. This training has been conducted by both DEC contractors and DEC program staff.

Information Outreach: The hazardous waste program conducts at least two major mailouts per year to the regulated community informing them of regulatory changes or requesting their comments on hazardous waste issues.

3. **HOW DID YOU DEVELOP THE FEE STRUCTURE?**

$10 for used oil marketers and burners and for other facilities who have notified EPA but have had no activity, including transporters and generators: This nominal fee is for our administrative mailing costs, and recordkeeping costs. Just the postage to mail these facilities their annual report certified return receipt costs approximately half of this fee.

$15 for Conditionally Exempt Small Quantity Generators of hazardous waste who have notified EPA: This nominal fee is for the cost of mailing out the annual report, maintaining records, and data entry. Further, the fee is for the inspections that may be conducted at these sites, the information provided these generators, and the manifest tracking required when they occasionally send waste off-site.

$50 for Hazardous Waste Transporters who have notified EPA: This fee is to cover the legislative mandate (AS 46.03.308) to track manifested hazardous waste shipments, and the cost for data entry of the transporters annual reports. One-half of a fulltime position ($30,000) is required to track manifests, and approximately 30 working days ($9,000) is required to manage the transporter annual report.

$100 for Small Quantity Generators of hazardous waste who have notified EPA: This fee covers inspection, recordkeeping, technical assistance, and reporting costs. The fee, while relatively small, creates the opportunity for these generators to save $85 a year by reducing the volume of waste to achieve Conditionally Exempt Small Quantity Generator status.

$1000 for Large Quantity Generators (LQG) of hazardous waste who have notified EPA: This fee covers part of the inspection costs for these generators. LQGs are inspected, when possible, at least once a year, and the cost to conduct these inspections is about $2,000. Other costs include recordkeeping, management of the hazardous waste annual report, technical assistance, manifest tracking, and training.

$1000 for facilities that Treat, Store and Dispose (TSD) of hazardous waste and have notified EPA: This fee covers part of the cost of inspections, as well as the extensive time required to review, write and evaluate Part A and B permit applications. The fee also covers extensive technical assistance, recordkeeping, annual report data entry, manifest tracking and training. Inspection costs exceed $3,000 per TSD facility.

4. **HOW MUCH MONEY WILL BE COLLECTED?** The estimated annual fees total approximately $100,000, representing about 6% of the total program budget.

No Activity	$10
Transporters	$100 - $ 1,000
Generators	$250 - $ 2,500

Burner Blenders	$10
Active	$94 - $ 940
Conditionally Exempt Generato s	$15
Active	$300 - $ 4,500
Small Quantity Generators	$100
Active	$155 - $15,500
Large Quantity Generators	$1,000
Active	$57 - $57,000
Transporters	$50
Active	$40 - $ 2,000
TSD Facilities	$1,000
Active	
Federal Storage	$6 - $ 6,000
Commercial Storage	$3 - $ 3,000
Land Disposal facility	$2 - $ 2,000
Commercial Storage/Treatment	$2 - $ 2,000

These fees will be collected as part of the annual reporting requirement. A facility may be subject to more than one fee. For example, a facility that is a storage facility, a burner blender and a large quantity generator (total fee $2,010). Further, it should be known that the fees were established to promote pollution prevention and encourage facilities to reduce their volume of waste thereby reducing the fee amount.

Questions that may be asked regarding the hazardous waste user fees:

Q: If I generate small quantities of hazardous waste at my house, am I subject to these regulations?

A: No, household waste is exempt from RCRA [reference to 40 CFR 261.4(b)(1)], and therefore would not be subject to the user fees.

Q: I generate a lot of used oil. Is used oil a hazardous waste?

A: No, used oil, if it is to be reclaimed, or burned for energy recovery pursuant to 40 CFR 266 Subpart E, is not a hazardous waste [(reference 40 CFR 261.6(a)(2)(iii)]. However, if the use of the used oil constitutes disposal (applied to the ground, or burned without meeting the 40 CFR 266 Subpart E requirements for energy recovery), then used oil may be a hazardous waste.

Q: I generate lead acid batteries. Are they hazardous waste?

A: Lead-acid batteries would be considered hazardous waste, if they were to be disposed of in a landfill. However, if they are recycled pursuant to 40 CFR 261.6(a)(2)(v) they are exempt from the hazardous waste regulations.

Q: If I did not generate hazardous waste in a year do these fees apply to me?

A: If you have an active EPA number and receive an annual report, the fees apply to you, regardless of whether you generated hazardous waste during that year. The nominal fee of $10 is all you will pay if you did not generate any waste in a calendar year. Fees are higher for active facilities. The same applies for transporters who notified EPA but did not transport hazardous waste during the calendar year.

Q: I understand that the oil industry's waste and mining wastes are exempt from RCRA. Will they have to pay user fees?

A: Yes, not all wastes are exempt from RCRA. The oil industry and the mining industry is subject to these fees if they generate wastes that are not exempt from RCRA.

Q: I run a small business that generates less than 220 pounds of hazardous waste per month, and I use transfer facilities for the collection of hazardous waste (Eagle River facility or DEC's hazardous waste collection program). Am I subject to the fees?

A: No, as long as you do not have an active EPA identification number, and have a legal way of disposing of your conditionally exempt small quantities of hazardous waste, you would not be subject to the user fee regulations.

Q: I generate medical waste, or asbestos, or PCBs, or anti-freeze. Am I subject to the hazardous waste user fees?

A: No, these wastes are not regulated under 18 AAC 62, and therefore would not be subject to the user fee requirements.

If you other questions pertaining to the hazardous waste user fees please contact Jeff Ingalls at (907)465-5154.

18 AAC 72 - WASTEWATER DISPOSAL

1. **To whom are fees applicable?** They apply to persons who apply for a wastewater disposal permit or a plan review under 18 AAC 72. They also apply to persons who have a project that requires DEC to review and comment on Environmental Impact Statements or Environmental Assessments involving wastewater discharges, or to certify federal National Pollution Discharge Elimination System (NPDES) permits.

2. **What are the fees for?** The fees are to partially cover the costs of staff time on reviews, comments, certifications or issuances of permits.

3. **How did you arrive at the fee amounts?** The domestic wastewater and nondomestic (industrial) wastewater programs require varying amounts of time and effort for review, comment, certification and permit issuance purposes. The time can vary from a few hours to many months. Accordingly, a flexible fee structure, based on a point system, was developed, a far more equitable approach than a limited number of fixed fees.

The domestic wastewater fixed fees for classes or ranges of facilities or activities were derived from discussions with regional personnel. Staff cost was based upon a daily cost of $200. The actual cost to the state may be more than this. The fees are based upon the amount of wastewater discharged from a facility and whether or not studies must be carried out on the effects of the discharge to receiving waters. The minimum fee is $100 and the maximum fee is $3200, however with a receiving water review this would increase to $4200.

For the nondomestic wastewater program, the fees are based on a point system used in Texas. Louisiana has a similar system. The points system includes the following categories:

Standard Industrial Code (SIC) Classification.
Average daily flow, millions of gallons per day.
Complexity, toxicity and concentration of pollutants.
EPA Major/Minor designation.
Sensitivity of the receiving environment.
Magnitude of public involvement/public hearings.
Monitoring requirements.

Minimum fees are $100, and under the points system, a typical large discharger to a sensitive environment, with several public hearings and extensive monitoring, the fee may be $30,000 or more.

4. **How much will the fees generate annually?** The amount of program receipts for wastewater permits and plan reviews in the FY 93 budget is based on flat fees applied to an estimated number of permits and plan reviews.

The flat fee results in too high a charge for simple plan reviews and too low a fee for more time consuming permits and plan reviews. Therefore, most of the fees proposed for plan review and wastewater permits vary with the size/complexity of the project.

DEC does not have comparable statistics on the size and complexity of past permitting and plan reviews upon which to base an estimate of the revenue from a variable fee structure.

An approximate estimate of the amount to be collected by fees will be 20% of the domestic and industrial wastewater programs for costs of staff time on reviews, comments, certifications or issuances of permits.

The fees were derived based on the amount of time spent by staff on permits or reviews. Past experience on projects provided approximate times spent on these duties, and information was also incorporated from fee systems used in other states.

Typical questions and answers:

Q. Will the department be generating excess income from the fees to pay for training and other duties not directly related to the permit or review process?

A. No. In fact the department will be recouping only a small percentage of the overall program cost, and often will not cover direct costs for some of the larger review processes.

Q. Will the small operator have to pay large fees?

A. There will be some cost involved with all reviews or permitting. The graduated scale and point systems for the fees will keep fees to small users relatively minor.

Q. Will placer miners have to pay large or graduated fees?

A. No. Placer mine NPDES certifications are reviewed as a group and have been assigned a $100 per permit fee. There will be no charge for placer mine APMA reviews.

Q. What will be the fee for some of the larger dischargers?

A. For domestic wastewater the maximum fee is $3200, although with a mixing zone this would increase to $4200. For nondomestic wastewater, under the points system, a typical large discharger to a sensitive environment, with several public hearings and extensive monitoring, the fee may be $30,000 or more. For drinking water plan reviews the maximum is $4000 or $4500 with a surface water source.

Q. Will nonprofits, municipalities, and other government agencies be required to pay fees?

A. Projected fee income was based upon all permittees paying fees, however this requirement will be waived for nonprofits, and might be waived in the department's discretion, for government agencies, in which case fee income would be reduced accordingly resulting in funding a smaller percentage of the permit and review process.

18 AAC 75--OIL & HAZARDOUS SUBSTANCE POLLUTION
(Financial Responsibility)

1. **Who pays user fees?** Under the new rules, operators of oil terminal facilities, pipelines, exploration and production facilities, tankships and barges will pay fees when they submit annual Financial Responsibility applications. These operators are required, under AS 46.04.040, to annually demonstrate that they have the financial ability to respond to oil spills.

2. **What does the fee pay for?** The proposed application fee for Financial Responsibility will be used to pay for processing applications, maintaining a data base of approved operators, providing technical assistance to operators, reviewing applications, providing certificates, and evaluating methods of proving Financial Responsibility.

3. **How were the amounts of the proposed fees selected?** Fee amounts were chosen with the objective of paying for a significant portion of the cost of providing the service. At the proposed amounts, application fees will fund approximately 50% of the personnel cost associated with reviewing applications and issuing Certificates of Financial Responsibility.

4. **How much revenue will the fees generate?** Each year the Department reviews approximately 125 applications covering approximately 400 vessels and facilities. Each vessel or facility is required to have a Certificate of Financial Responsibility. Based on the proposed amounts ($150 per application plus $50 per certificate), the proposed fees are expected to generate approximately $38,750 annually.

18 AAC 80 -- DRINKING WATER

For the Drinking Water program, the fees are based upon the class of public water system, the number of people served, the type of source and such things as separation distances or length of main to be repaired. For plan reviews the minimum fee is $200 and the maximum is $4000, or $4500 if there is a surface water source.

The fees were derived based on the amount of time spent by staff on permits or reviews. Past experience on projects provided approximate times spent on these duties, and information was also incorporated from fee systems used in other states. Following are approximate actual staff time for each type of review:

(1) for a Class A public water system plan review:

(i) 25 to 50 people $500	2.5 days
(ii) 50 to 150 people $1000	5 days
(iii) 150 to 2000 people $1500	7.5 days
(iv) 2000 to 20,000 people $2000	10 days
(v) more than 20,000 people $4000	20 days

(2) a Class B plan review: 50% of that specified for a Class A system.

(3) for a class Cplan approval: 1 day

(4) for a surface water source 2.5 days

(5) for a waiver to separation distance 1.5 days

(6) for distribution main repair, replacement or extension:

(i) less than 200 feet $200	1 day
(ii) 200 to 1000 feet $500	2.5 days
(iii) more than 1000 feet $1000	5 days

DEC

Overview Hearings

1/27/92

TELECONFERENCE PARTICIPATION

SPONSOR (S) Resources

DATE/TIME 1/27/92 1:30 - 3:30

SUBJECT DEC Overview

LIO'S

(moderator)

	TESTIFY	OBSERVE
ANCHORAGE ( )	E. Piper - DEC S. Brandt-Erichsen - DEC Simon Mawson - DEC	
BARROW * ( )		
BETHEL ( )		
DELTA JUNCTION * ( )		
DILLINGHAM * ( )		
FAIRBANKS ( )	Pete McGee - DEC Paul Bateman - DEC	
GLENNALLEN * ( )		
JUNEAU ( )		
KETCHIKAN ( )		
KODIAK ( )		
KOTZEBUE ( )		
MAT-SU ( )		
NOME ( )		

	TESTIFY	OBSERVE
PETERSBURG * ( )		
SITKA ( )		
SOLDOTNA ( )	Les Bucholz - DEC Bob Krogseng - DEC	
VALDEZ * ( )		
LTC'S		
HOMER		
WRANGELL		
OFFNETS		
OFF1		
OFF2		
OFF3		
OFF4		
OFF5		
OFF6		

VTS'S ON BACK

* SESSION ONLY

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ADMINISTRATIVE SERVICES
FY 93 REQUEST

	Federal Funds	General Funds	Other State Funds	Total Funds	PFT	PPT
FY92 AUTH.	$ 253.4	$1,603.2	$ 270.8	$ 2,127.4	39	1
FY93 REQ.	392.4	1,698.0	324.6	2,415.0	40	0
CHANGE	$ 139.0	$ 94.8	$ 53.8	$ 287.6	1	(1)

PROGRAM DESCRIPTION:

The Administrative Services Division provides centralized budgeting, accounting, fund administration, supply, payroll, personnel/human resource services, data processing support, public information services, and a Departmentwide Quality Control Section.

PROGRAM CHANGES FY93:

Transfers Within Adjusted Base:

- Personal Services funds were transferred to the Department of Education, Division of State Libraries to fully fund one PFT Librarian to provide support to the DEC Library. Previous funding provided via RSA.
- Transferred one PFT Risk Management Officer to SPAR's Spill Response Office to make safety personnel readily available to provide immediate technical safety assistance and expertise to the Department's responders statewide, or to respond to an incident when a situation warranted or was needed.
- Transferred in two PFT positions from EQ to meet reorganization goals of the Department which places emphasis for Public Information and Management Analysis in the Division to maximize efficiency.
- SPAR Division transferred in personal services to fully fund one existing accounting technician to support OHSSRF programs.

Increment/Decrement Requests:

- Due to general fund shortfalls within the Division's allocated operating budget, one PPT Information Officer working in the Office of the Governor's Media Center is being deleted. The assigned duties of this position will be picked up by other DEC information officers and the Governor's Media Center.
- To reduce the Division's high personal services forced underfunding, the Federal Indirect Recovery has been negotiated from 9.29 % to 19.63 % to enable State and Federal centralized program delivery committments to be accomplished.

CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

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SPONSOR (G) Resources

DATE/TIME 1/27/92 1:30 - 3:30

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OFFNETS		
OFF1		
OFF2		
OFF3		
OFF4		
OFF5		
OFF6		

VTS'S ON BACK

* SESSION ONLY

VOLUNTEER TELECONFERENCE SITES

AKK - Akhoik
AND - Anderson
BUC - Buckland
CHE - Chenega Bay
CHL - Chignik Lake
CHS - Chistochina
COP - Copper Center
CRA - Craig
DOT - Dot Lake
ELF - Elfin Cove
GAK - Gakona
GAM - Gambell
HEA - Healy
HPB - Hooper Bay
HYR - Hyder
KAT - Kaktovik
KAS - Kasaan
KIA - Kiana
KLA - Klawock
LAB - Larsen Bay
MET - Metlakatla
NEN - Nenana
NIK - Nikiski
NOO - Noorvik
NOW - Northway
OUZ - Ouzinkie
PTA - Port Alexander
PTL - Port Lions
STP - Saint Paul
SAV - Savoonga
SEL - Seldovia
SHS - Shishmaref
SKG - Skagway
TAT - Tatitlek
TNB - Thorne Bay
TOK - Tok
UNK - Unalakleet
WAI - Wainwright
YAK - Yakutat

AMB - Ambler
ANG - Angoon
CAN - Cantwell
CHG - Chignik
CHN - Chiniak
CHI - Chitina
COR - Cordova
DEE - Deering
EAG - Eagle
FTY - Fort Yukon
GAL - Galena
HNS - Haines
HOO - Hoonah
HYD - Hydaburg
KAK - Kake
KAU - Karluk
KEN - Kenny Lake
KIV - Kivalina
KOB - Kobuk
MES - Mentasta Lodge
NAK - Naknek
NEW - Newhalen
NOA - Noatak
NPT - North Pole
NUI - Nuiqsut
PEL - Pelican
PTH - Point Hope
PTP - Port Protection
SND - Sand Point
SLW - Selawik
SEW - Seward
SHU - Shungnak
SLA - Slana
TKS - Tenakee Springs
TOG - Togiak
TSK - Toksook Bay
UAK - Unalaska
WHT - Whittier

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ADMINISTRATIVE SERVICES
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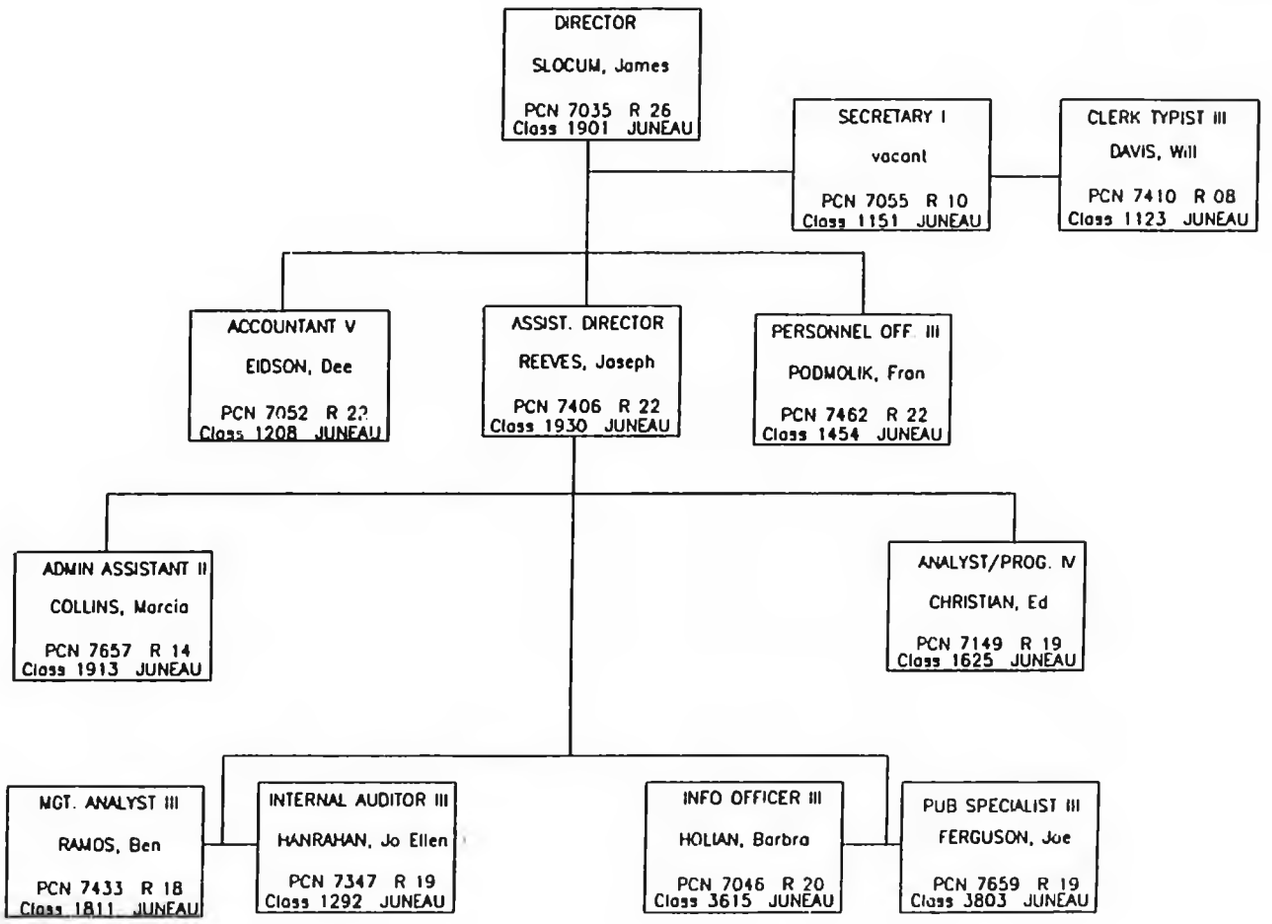
STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ADMINISTRATIVE SERVICES

REVISED 1/22/92

DIRECTOR'S OFFICE



Approved _____
DIRECTOR DATE

Summary Report of Northern Region Objectives/Activities

Regional and District Office staff implement the policies and procedures developed by the Commissioner and the central office staff, and enforce the department's statutes and regulations.

Major ongoing activities, by program, are as follows.

Spill Prevention, Planning Management:

Work with the regulated facilities to ensure that each has an approved contingency plan consistent with the revised regulations.

Contaminated Sites:

NPL Sites
- Eielson AFB
- Ft. Walnwright
- Arctic Surplus
- Alaska Battery

FMUS
UAF Power Plant
Illinois/Minnie Connector
Railroad Industrial Area

Water/Wastewater Management:

Work with rural villages through the community agreements to improve monitoring and sampling compliance.
Work with Cominco and EPA to get a year round NPDES permit in place for the Red Dog mine tailings pond discharge.
Assist where ever possible in permitting for the Fort Knox project.

Water Quality Management:

Work with the Corps of Engineers and the FNSB to resolve wetlands issues within the Borough (possible General Permit)

Air Quality Management:

Implement modifications to the program necessary as a result of the CAAA 90.
Healy Clean Coal Project
Red Dog Ambient Air Lead

Solid/Hazardous Waste:

Work with the FNSB in siting a new landfill.
Work with the rural villages through community agreements to bring their landfills up to standard.

MAJOR ACTIVITIES and CHALLENGES
SOUTHCENTRAL REGION

* Oil spill prevention in Cook Inlet and other parts of the Region.

  The recent KPL spill in Cook Inlet demonstrated vast improvement in oil spill response capability. The success of the response in terms of oil recovery is still being evaluated.

* Environmental Infrastructure in Rural Alaska

  Solid waste, drinking water and wastewater present problems in most rural areas of the State. Steady and regular improvement on all Fronts is a high priority for the Southcentral Region.

* Fish Processing Industry

  Fish processing is one of the largest industries in the Region. We will be making a special effort to assure consistent application of environmental requirements to both onshore and off shore Fish Processors.

* Leaking Storage Tanks and Contaminated Sites

  The Southcentral Region includes a substantial portion of the urbanized areas of the State. A legacy of past practices, which we share with other parts of the country, is a large number of contaminated sites and leaking underground storage tanks. Progress in cleaning up these sites is a priority for the Region.

SOUTHEAST REGIONAL OFFICE
PRIORITY ISSUES AND TASKS
FISCAL YEAR 92

Community Agreements with southeastern municipalities. Ketchikan Gateway Borough signed. City of Ketchikan, City of Haines, Haines Borough, and a regional partnership with the Southeast Conference await signing.

Incorporation of pollution prevention objectives into permits and enforcement actions.

Mixing zones for wastewater discharges for the AJ and Kensington Mines.

Renewals of federal discharge permits for both Alaska Pulp in Sitka and Ketchikan Pulp.

Air Quality Permits for Ketchikan Pulp, Alaska Pulp, the Kensington Project, the AJ Project, the Wrangell Sawmill, and the Green's Creek Mine.

Permits or Compliance Orders by Consent for solid waste facilities in Ketchikan, Petersburg and Wrangell. All three communities are at critical junctures; baling or incineration, new or expanded landfills, liners or no liners, etc.

Collection and disposal of household hazardous waste from southeastern communities. The Southeast Conference favors a mobile system.

Hazardous and solid waste management in remote camps. A workshop in Sitka on February 18-19 is designed to avoid another "Rowan Bay."

Public drinking water safety. Technical assistance and enforcement to ensure monitoring compliance and solutions.

Cruiseship smoke. Binding agreements with cruiseship companies are expected to decrease problems in the summer of '92.

Amendment of 29 Oil Spill Contingency Plans.

Investigation of contamination of Skagway Public Driking Water Supply. Low levels of trichloroethylene exist in the groundwater supply.

Management of soils contaminated by diesel and gasoline. Remediation to avoid problems and use remediated soils is the key.

STATE OF ALASKA

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JANUARY 27, 1992 SENATE RESOURCES COMMITTEE HEARING
OVERVIEW OF DEPARTMENT OF ENVIRONMENTAL CONSERVATION PROGRAMS
BY JOHN A. SANDOR, COMMISSIONER, DEPT. OF ENVIRON. CONSERVATION

Mr. Chairman, it is a pleasure to present to the Senate Resources Committee, an overview of Department of Environmental Conservation (DEC) Programs. I have with me DEC, Deputy Commissioner Mead Treadwell; Special Assistant to the Commissioner, Janice Adair; the five Directors of DEC Divisions: Environmental Health, Kit Ballentine; Facilities Construction and Operation, Keith Kelton; Spill Prevention and Response, Mike Conway; Environmental Quality, Michael Menge; and the Administrative Services Director, James Slocum. We have prepared written presentations of DEC programs and activities, and are prepared to briefly summarize these if you wish.

The Southeast Region Adminstrator, Dick Stokes is also here; and the three other Region Administrators: Northern Region (Fairbanks), Pete McGee; Southcentral Region (Anchorage), Svend Brandt-Erichsen; and the Pipeline Corridor Region (Anchorage), Simon Mawson are on teleconference to be available for any questions you may wish to direct to them. Ernie Piper, the State-On-Scene Coordinator for the Exxon-Valdez Oil Spill is also available for questions by teleconference.

COMMISSIONER'S OVERVIEW

Mr. Chairman, attached to this statement is a summary of the DEC, 1991-1992 Program Objectives that were developed early in 1991 and then up-dated at the beginning of this Fiscal Year.

If you agree, I would like to summarize our progress to date in achieving these objectives and identify some of the special challenges we face in this calendar year, and in future years on these and related environmental conservation objectives.

This Department looks forward to your Committee's review of these objectives and any advice and actions you may have to strengthen our Department's programs, and to meet the challenges and overcome the problems identified.

1. WORK COOPERATIVELY WITH COMMUNITIES & OTHER STATE/FEDERAL AGENCIES IN ADMINISTERING LAWS, REGULATIONS AND PROGRAMS WHICH PROTECT AND IMPROVE THE ENVIRONMENT. DEVELOP COST-EFFECTIVE PROGRAMS AND SOLUTIONS TO ENVIRONMENTAL PROBLEMS.

PROGRESS: The DEC has developed Cooperative Agreements and other forms of partnership arrangements with over thirty communities and other government agencies. These include:

Cooperative Community Environmental Agreements- Over forty final and draft agreements have been developed; under these agreements, environmental issues and problems are identified and the DEC works with these communities in developing cost-effective programs and solutions to these problems. A brief status report on the community agreements will be presented during this overview.

Cooperative Agreement Between United States Department of Defense Agencies/United States Coast Guard Units in Alaska and the Alaska Department of Environmental Conservation This agreement establishes a common agenda to work together on specific environmental protection goals. This includes special initiatives to prevent pollution and efforts to solve environmental problems in a cost-effective manner.

CHALLENGES: The State and communities must comply with stricter Federal/State laws and regulations. The increased costs associated with these programs are a major challenge for the communities and the State (e.g. Clean Water Act & Clean Air Act)

2. PROTECT PUBLIC/ENVIRONMENTAL HEALTH; WORK CLOSELY WITH THE DEPARTMENTS OF HEALTH & SOCIAL SERVICES; COMMUNITY & REGIONAL AFFAIRS; PUBLIC HEALTH SERVICE; FOOD & DRUG ADMINISTRATION AND PRIVATE INDUSTRY TO ASSURE PROTECTION OF PUBLIC HEALTH

PROGRESS: Special emphasis was given to stengthening our Seafood Program this past year. Seafood Inspections in 1991 totaled 1,418 compared to 710 in 1990 and 782 in 1989. We improved handling of fish products. Quality inspections and improved training have have increased the credibility of Alaska Seafood Products

CHALLENGES: The January, 1992 Consumer Reports article and related coverage on fish products safety illustrates the importance of emphasizing this program. The DEC is working closely with the Alaska Seafood Marketing Institute (ASMI), the Food & Drug Administration and other State/Federal agencies to deal with this unfortunate report. We are prepared to give this Committee a special briefing on this issue at this hearing.

3. EMPHASIZE POLLUTION PREVENTION IN ALL DEPARTMENT PROGRAMS. COMMUNITY AGREEMENTS AND IN INFORMATION-EDUCATION ACTIVITIES

PROGRESS: This past fall, Alaska received a grant of $270,000 from the Environmental Protection Agency (EPA) for a state-wide effort to integrate pollution prevention and energy conservation with local communities and governments, private industry, consumers, native groups and schools. This and related efforts will attempt to integrate pollution prevention in all DEC programs. This offers the best promise to avoid the damage, costs and health threats associated with environmental degradation.

CHALLENGE: Pollution prevention offers the most cost-effective approach to environmental protection, yet its full potential can only be realized when all citizens, government and the private sector work together to achieve this objective. The GREEN STAR program by private industry and the environmental community in Anchorage is a good start.

4. COMPLETE CLEAN-UP OF THE EXXON-VALDEZ OIL SPILL; CONTINUE DAMAGE ASSESSMENT AND REMEDIATION WORK; SEEK FULL RECOVERY OF DAMAGES RESULTING FROM THIS OIL SPILL.

PROGRESS: There was excellent cooperation in the Federal/State and Industry clean-up work in 1991, and plans are underway for the remaining clean-up planned for this year. The Settlement Agreement now enables us to move forward with restoration work, and the Trustee Council organization frame-work is being developed to accomplish this task.

CHALLENGE: A public participation plan has been developed to involve communities impacted by the spill in the restoration process. A partnership effort between Federal/State/local communities will help assure an effective restoration program.

5. IMPROVE AND REFINE SPILL PREVENTION AND RESPONSE PLANS AND ACTION PROGRAMS; WORK COOPERATIVELY WITH ALL PUBLIC & PRIVATE ORGANIZATIONS TO ACHIEVE THIS OBJECTIVE.

PROGRESS: New Oil Spill Regulations (mandated by HB 567) were signed in October, 1991, after an extensive public review process. The HB 567 Technical Implementation Workgroup developed to help write the HB 567 regulations has also been invited to participate in implementating the regulations.

CHALLENGE: Substantial work remains to fully implement the provisions of HB 567. This subject will be covered in more detail, later in this hearing. Your Committee's advice and actions to strengthen this program activity will be welcomed.

PROGRESS: There has been substantial activity by the State Emergency Response Commission (SERC) and progress in the formation of Local Emergency Planning Committees (LEPC). The SERC has decided to include hazardous substances in its program activities. The LEPCs are partners in the hazard analysis process. The completion of this will enable the State to begin the establishment of primary and secondary response depots.

CHALLENGE: Funding sources for the LEPCs is an important issue. Other states have adopted a variety of funding sources. The DEC believes that the State should work with the LEPCs in assuring an adequate source of funds for emergency response activities.

PROGRESS: The Department of Military and Veterans Affairs (DMVA) and DEC have signed a Memorandum of Agreement to better coordinate and integrate Disaster and Emergency Services programs. Part of DEC's Spill Prevention and Response (SPAR) staff is now co-located with DMVA's Division of Emergency Services (DES) to help meet this objective.

CHALLENGE: Substantial work must be done to better coordinate and integrate our State/local community response capability.

6. IMPROVE WATER AND WASTE-WATER SYSTEMS THROUGHOUT THE STATE

PROGRESS: The coordinated action by the Legislature and the DEC and Departments of Community and Regional Affairs (DCRA) and Health and Social Services (HSS) in 1991 led to the approval of over 90 water, waste-water and solid waste disposal projects totaling over 48 million dollars. This was the largest combination of DEC Community Grant and Village Safe Water Projects in history. A listing of these projects is available.

CHALLENGE: The State's Sanitation problems, particularly in the rural communities, demands special emphasis. The DEC has formed a Federal/State/local community/private sector Task Force to develop a strategy for dealing with this problem. The program is titled: "A COMMITMENT TO ALASKANS TO SOLVE TODAY'S SANITATION PROBLEMS WHILE PLANNING FOR THE 21ST CENTURY", and will be described later in this hearing. The Public Health Service (PHS) and the DEC estimates it will cost over one billion dollars to bring our community water and waste disposal systems up to minimum health standards. Money alone cannot solve this problem. The Task Force wants to develop a partnership of Federal, State, local communities and the private sector to solve this problem.

PROGRESS: The DEC has also met with the Environmental Protection Agency (EPA) in a review of our water program initiatives. The EPA will participate in the Sanitation Task Force noted above, as well as in the multi-Department review of Water Management and Protection programs scheduled later this week. Our objective is to develop a partnership approach to comply with the programs mandated by the Safe Drinking Water Act (SDWA) and the Clean Water Act (CWA) and to retain primacy of these programs.

CHALLENGE: Implementation and compliance with the provisions of the CWA and SDWA will require funding on a time-table that is unrealistic. Other states and the EPA recognize this, and efforts are underway to amend the provisions of these Acts.

7. EMPHASIZE SOLID AND CONTAMINATED/HAZARDOUS WASTE MANAGEMENT.

PROGRESS: The DEC's Pollution Prevention initiative is emphasizing this objective. The DEC's Cooperative Agreement with the United States Defense Department agencies within the State also focuses on this objective. DEC, DNR, DOT and ADF&G are coordinating their efforts to evaluate potential sites.

The EPA also endorses our objective of locating hazardous waste treatment and disposal sites in Alaska, but the planning and review processes mandated by Federal and State laws will extend through 1993.

CHALLENGE: The job of inventorying contaminated sites continues. The cost of treating and disposing of contaminated and hazardous wastes can be expected to increase. Again, a partnership effort between the Federal, State, local governments and the private sector will be necessary to effectively deal with this challenge.

8. IMPROVE THE ADEC ENFORCEMENT AND COST-RECOVERY PROGRAMS

PROGRESS: The DEC is cooperating with other State and Federal agencies in strengthening the State's environmental enforcement programs. A former EPA enforcement attorney has been employed and assigned to the Anchorage District Attorney's office. Civil and criminal laws/regulations are being strengthened to discourage pollution, and improve our cost-recovery program.

CHALLENGE: Coordination with other State and Federal Agencies will strengthen our enforcement capability. Opportunities for improved coordination/integration with the Department of Public Safety and other agencies are being explored.

9. WORK WITH PRIVATE INDUSTRY IN SUPPORTING ENVIRONMENTALLY SOUND ECONOMIC DEVELOPMENT PROJECTS

PROGRESS: The Division of Governmental Coordination is working closely with all Departments of the State to assure a professional and coordinated review of economic development projects. This coordinated approach, in the early stages of project reviews, gives better assurance of incorporating effective, environmental protection requirements in project proposals and plans.

CHALLENGE: There are a number of redundancies and inconsistencies in regulations that are confusing and burdensome to those who must comply with such regulations. The EPA, Division of Governmental Coordination and other State agencies are reviewing these regulations to assure simplification, yet assure needed environmental protection practices.

10. BRING DECISION-MAKING RESPONSIBILITIES FOR ENVIRONMENTAL ISSUES BACK TO THE STATE WHEREVER POSSIBLE

PROGRESS: The President's revised Wetlands policy recognizes Alaska's unique situation, and provides a basis for greater State authority for Wetlands Protection and Management.

CHALLENGE: Cooperation with the Russian Commonwealth States and Canada will be essential to solving environmental problems that cross international borders. The Northern Forum provides a good framework for meeting this challenge.

11. ACHIEVE THE ABOVE PROGRAM OBJECTIVES WITHIN THE FRAMEWORK OF BUDGET AND PERSONNEL REDUCTION OBJECTIVES

PROGRESS: The various Cooperative Agreements and Partnerships formed this past year have resulted in improved performance and have eliminated the necessity for some cost/personnel increases that would otherwise have been required.

CHALLENGE: Increasing Federal laws and regulations; sometimes with unrealistic time-frame requirements are a challenge both to the State and to local communities.

The above overview covers many of the primary DEC program activities. The DEC Division Directors are now prepared to cover their program activities in more detail.

Thank you, Mr. Chairman, for the opportunity to present this statement.

STATE OF ALASKA

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1991-1992 PROGRAM OBJECTIVES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

1. WORK COOPERATIVELY WITH COMMUNITIES, OTHER STATE/FEDERAL AGENCIES IN ADMINISTERING LAWS, REGULATIONS AND PROGRAMS WHICH PROTECT AND IMPROVE THE ENVIRONMENT. DEVELOP COST-EFFECTIVE PROGRAMS AND SOLUTIONS TO ENVIRONMENTAL PROBLEMS.
   A. Continue development of Cooperative Community Agreements throughout the State. Involve Alaska Regional and Village Corporations in this program.
   B. Work with the Department of Community & Regional Affairs & others in support of the Rural Development Initiative.
   C. Work with the private sector to achieve environmental protection objectives.

2. PROTECT PUBLIC/ENVIRONMENTAL HEALTH; WORK CLOSELY WITH THE DEPARTMENTS OF HEALTH & SOCIAL SERVICES; COMMUNITY & REGIONAL AFFAIRS; PUBLIC HEALTH SERVICE; FOOD & DRUG ADMINISTRATION AND PRIVATE INDUSTRY TO ASSURE PROTECTION OF PUBLIC HEALTH.
   A. Assure safe and quality controls in Meat & Poultry and Seafood Inspection Programs.
   B. Improve compliance with environmental sanitation standards and use of pesticides.

3. EMPHASIZE POLLUTION PREVENTION IN ALL DEPARTMENT PROGRAMS, COMMUNITY AGREEMENTS AND IN INFORMATION-EDUCATION ACTIVITIES

4. COMPLETE CLEAN-UP OF THE EXXON-VALDEZ OIL SPILL; CONTINUE DAMAGE ASSESSMENT AND REMEDIATION WORK; SEEK FULL RECOVERY OF DAMAGES RESULTING FROM THIS OIL SPILL.

5. IMPROVE AND REFINE SPILL PREVENTION AND RESPONSE PLANS AND ACTION PROGRAMS; WORK COOPERATIVELY WITH ALL PUBLIC AND PRIVATE ORGANIZATIONS TO ACHIEVE THIS OBJECTIVE.
   A. Co-locate and coordinate appropriate emergency services with the Div. of Emergency Services (DM&VA).
   B. Support local community preparedness organizations.
   C. Expand response efforts to include hazardous substances.

6. IMPROVE WATER AND WASTE-WATER SYSTEMS THROUGHOUT THE STATE
   A. Protect Alaska's Groundwater Quality from contamination.
   B. Retain primacy of the Safe Drinking Water Program; work with EPA and others in improving the laws & regulations.
   C. Work with the Departments of Community & Regional Affairs and Health & Social Services in improving community facilities and operation-maintenance capability.

7. EMPHASIZE SOLID AND CONTAMINATED/HAZARDOUS WASTE MANAGEMENT
   A. Emphasize prevention measures
   B. Apply new and cost-effective technologies
   C. Continue process of locating hazardous waste/treatment sites in Alaska; (including privately managed operations)

8. IMPROVE THE ADEC ENFORCEMENT AND COST-RECOVERY PROGRAMS
   A. Strengthen information-education & service programs
   B. Develop a fair & equitable process of enforcement/fines
   C. Seek prompt and full-recovery from responsible parties

9. WORK WITH PRIVATE INDUSTRY IN SUPPORTING ENVIRONMENTALLY SOUND ECONOMIC DEVELOPMENT PROJECTS
   A. Cooperate with the Depts. of Community & Regional Affairs & Commerce & Economic Development in these efforts.
   B. Provide advice to encourage sound, economic development

10. BRING DECISION-MAKING RESPONSIBILITIES FOR ENVIRONMENTAL ISSUES BACK TO THE STATE WHEREVER POSSIBLE
   A. Bring wetlands protection responsibilities to Alaska and local governments.
   B. Work with federal agencies to encourge greater in-state management of federal programs
   C. Exchange environmental management information with Canada, the Soviet Union and other countries to help improve our management/protection capability.
   D. Work toward an environmental "level playing field" for competing industries in the northern regions.

11. ACHIEVE THE ABOVE PROGRAM OBJECTIVES WITHIN THE FRAMEWORK OF BUDGET AND PERSONNEL REDUCTIONS PLANNED FOR FY 1991-1992

OPPORTUNITIES FOR IMPROVING INTER-DEPARTMENTAL COMMUNICATIONS, EFFECTIVENESS AND SERVICE TO THE PUBLIC

1. Continue inter-departmental communication and cooperation.

2. Explore additional opportunities for co-location of State facilities and offices; shared services.

3. Strengthen the Div. of Gov. Coord.; integrate and simplify regulations; speak with one voice.

4. In remote communities and villages, be on the lookout for pollution prevention problems; opportunities for cooperation

COMPARISON OF REQUIREMENTS OF THE U.S. "CONSUMER SEAFOOD SAFETY ACT OF 1991" AND STATE OF ALASKA INSPECTION PROGRAM

REQUIREMENTS OF PROPOSED ACT	PRESENT STATE PROGRAM	ACTION NEEDED TO UPGRADE
1. Administration of a comprehensive shellfish safety program in compliance with the National Shellfish Sanitation Program (NSSP) requirements.	Growers, harvesters, transporters or processors of bivalve shellfish must comply with the FDA administered National Shellfish Sanitation program. The State of Alaska shellfish program is currently certified by the FDA. Certified Alaskan operations are listed in the monthly Interstate Shellfish Shippers Listings.	No additional changes are needed in the certified program. Limited additional sampling is being done for the marine toxin, domoic acid. However, additional laboratory staffing/equipment is needed to conduct a comprehensive domoic acid sampling program, as well as, increase analysis of seafood products for contaminants such as PCBs, heavy metals, Listeria and Vibrio.
2. Develop health-based standards for safety and sanitation in handling and processing of fishery products (based on Hazards Analysis Critical Control Point (HACCP) at shore based facilities or on board processing vessels. Standards must be established for contaminants such as: bacteria, chemicals, parasites, and toxins. Processors must provide training for employees in sanitation and quality control. The state must have an inspector training program. Appropriate legal authorities must be available for the state inspection program. Plants must be registered with the regulatory agency.	The basic elements of the Alaska inspection plan are: a HACCP based plant inspection plan, plant plant registration, plan of operations (QA plan), enforcement and detention. Both shore based and and floating processors are routinely inspected based on public health risk. Contaminant levels exist for shellfish and marine toxins based on NSSP standards. Other existing federal standards are applied where appropriate (i.e. PCBs, pesticides, domoic acid, etc). Operations are inspected and training performed at the retail level to ensure that retail food store employees handle seafood products properly. Adequate legal authority is provided.	Processor's employee training program needs to be identified and evaluated for equivalency to a state training program. A formal state training program would need to be developed in coordination with processors and other appropriate agencies. Enhance the existing retail inspection and employee training program to ensure that fisheries products are properly handled at the retail level.
3. If it is determined that no practicable alternative exists for ensuring the safety of fishery products, develop standards for handling, storage and transportation of fishery products on board fishing vessels and tenders.	ASMI has developed basic guidelines for handling fishery products on board vessels but no vessel vessel inspection program currently exists.	A vessel inspection program. If adopted, could improve seafood quality by reducing product adulteration and encouraging better handling practices which will extend shelf-life. If a vessel inspection program were required for state certification, a program similar to the Canadian inspection program could be implemented.
4. Develop and administer a system to monitor fish growing areas and fishing grounds to identify areas where contaminated fish are likely to be caught and conduct research to determine relationship between polluted waters and seafood contamination.	Limited monitoring is presently being conducted for contaminants through product sampling. Intensive monitoring of shellfish growing/harvesting areas is conducted according to NSSP requirements.	Develop a formal product sampling program to evaluate possible product contamination. Work cooperatively with other agencies such as National Marine Fisheries (NMFS), Food and Drug (FDA), Alaska Sea Grant and other DEC program to identify locations where contaminations might occur and could pose a threat of contamination. Develop appropriate sampling.

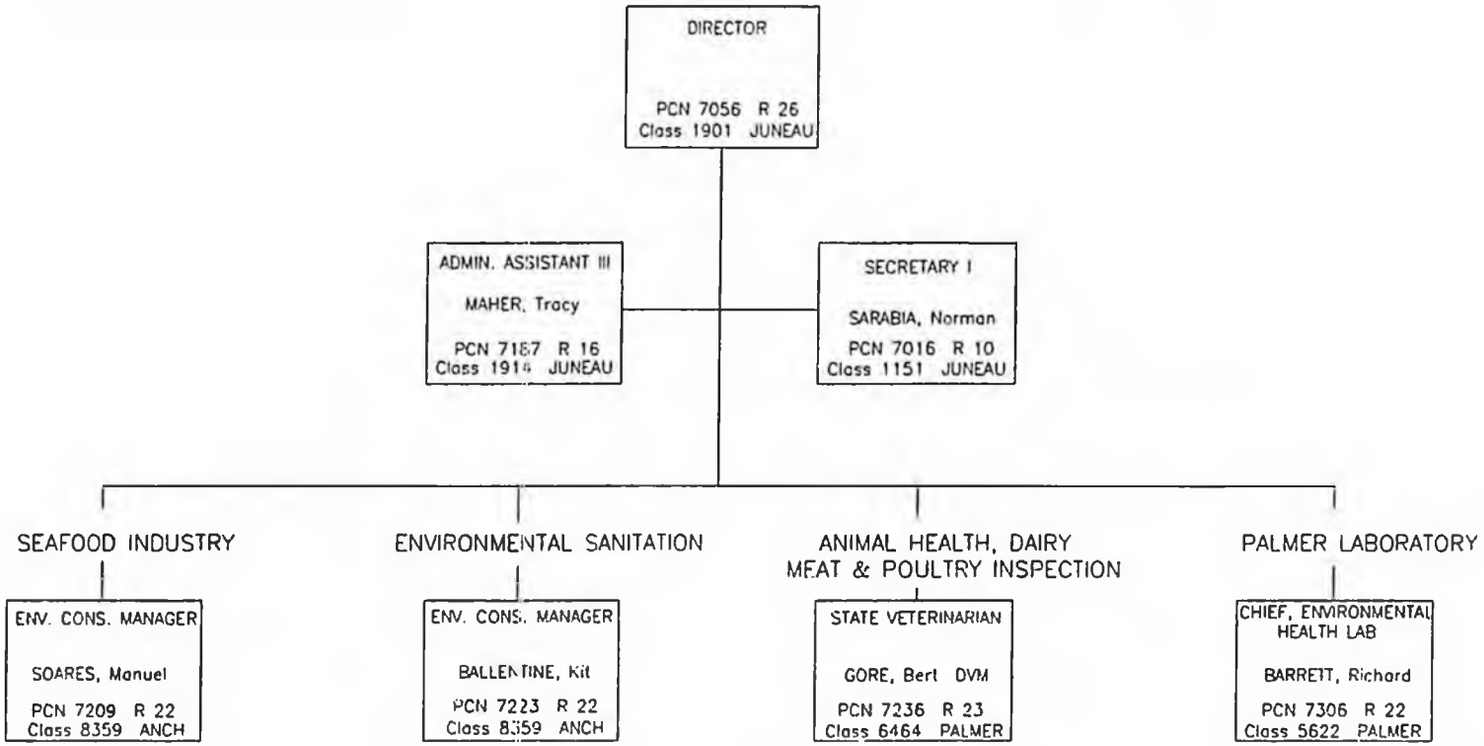
(CONT)

REQUIREMENTS OF PROPOSED ACT	PRESENT STATE PROGRAM	ACTION NEEDED TO UPGRADE
5. Implementation of procedures and requirements to ensure safety of imported fisheries products.	Bivalve shellfish product imported into Alaska from domestic or foreign markets are monitored for bacterial contamination but no other state monitoring program is in place. DEC works closely with FDA to remove any potentially contaminated products from Alaskan markets.	Continue existing shellfish monitoring surveillance and coordination with FDA to identify contaminated products. Participate in product recalls and market audits.
6. Establishment of a surveillance system regarding health risks associated with human consumption of fishery products including commercial compared to noncommercial products, Alaskan vs. imported products, and contamination of products prior to vs. after sale to the consumer.	Foodborne illnesses which are specifically identified are investigated by the state epidemiologist. This office also maintains statistics on reportable human diseases botulism and PSP.	In cooperation with HSS and other appropriate agencies develop a surveillance system to collect information regarding health risks associated with consumption of fishery products.
7. Develop public education and advisory program which provides:information and improves public awareness of state standards and promotes public understanding and acceptance of such standards and requirements; advice to recreational and subsistence harvesters regarding health hazards associated with fish they may harvest and precautions to safeguard themselves from harm; information to health professionals regarding persons at risk; that they may advise at risk individuals; health advisories concerning seafood safety.	No specific public education program exists but several state agencies provide information to the public regarding seafood safety. DEC issues public health alerts when health concerns such as elevated PSP toxin levels are identified.	DEC will work with other state and federal agencies such as ASMI, Alaska Marine Advisory, HSS, NMFS, etc to develop information regarding seafood safety. Explore establishment of a consumer 1-800 Hotline to provide information regarding seafood safety.
8. Design/implement seafood related research such as relationship of contaminated growing sites to human illness, improved sanitation and quality control, and development of methods for determining and detecting the presence of harmful contaminants in fishery products.	Various state and federal agencies are conducting research in these areas.	Inventory existing on going research and identify additional research needs. Work through Alaska Marine Advisory Program, NMFS, etc. to implement required research.

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL HEALTH

REVISED 11/1/91

DIVISION OF ENVIRONMENTAL HEALTH
DIRECTOR'S OFFICE

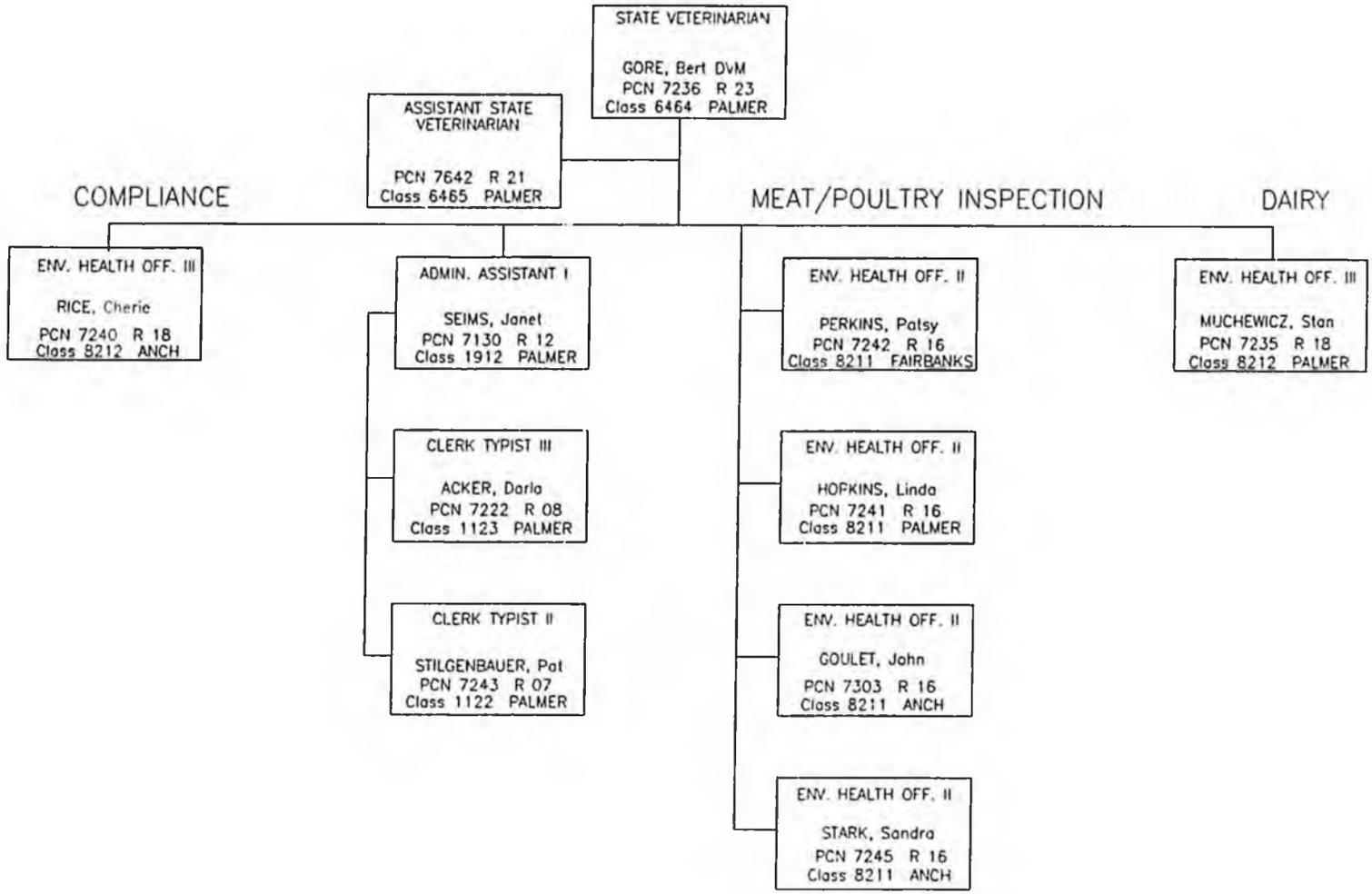


Approved _____
Director Date

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL HEALTH

MEAT & POULTRY INSPECTIONS
ANIMAL HEALTH
DAIRY

REVISED 11/1/91



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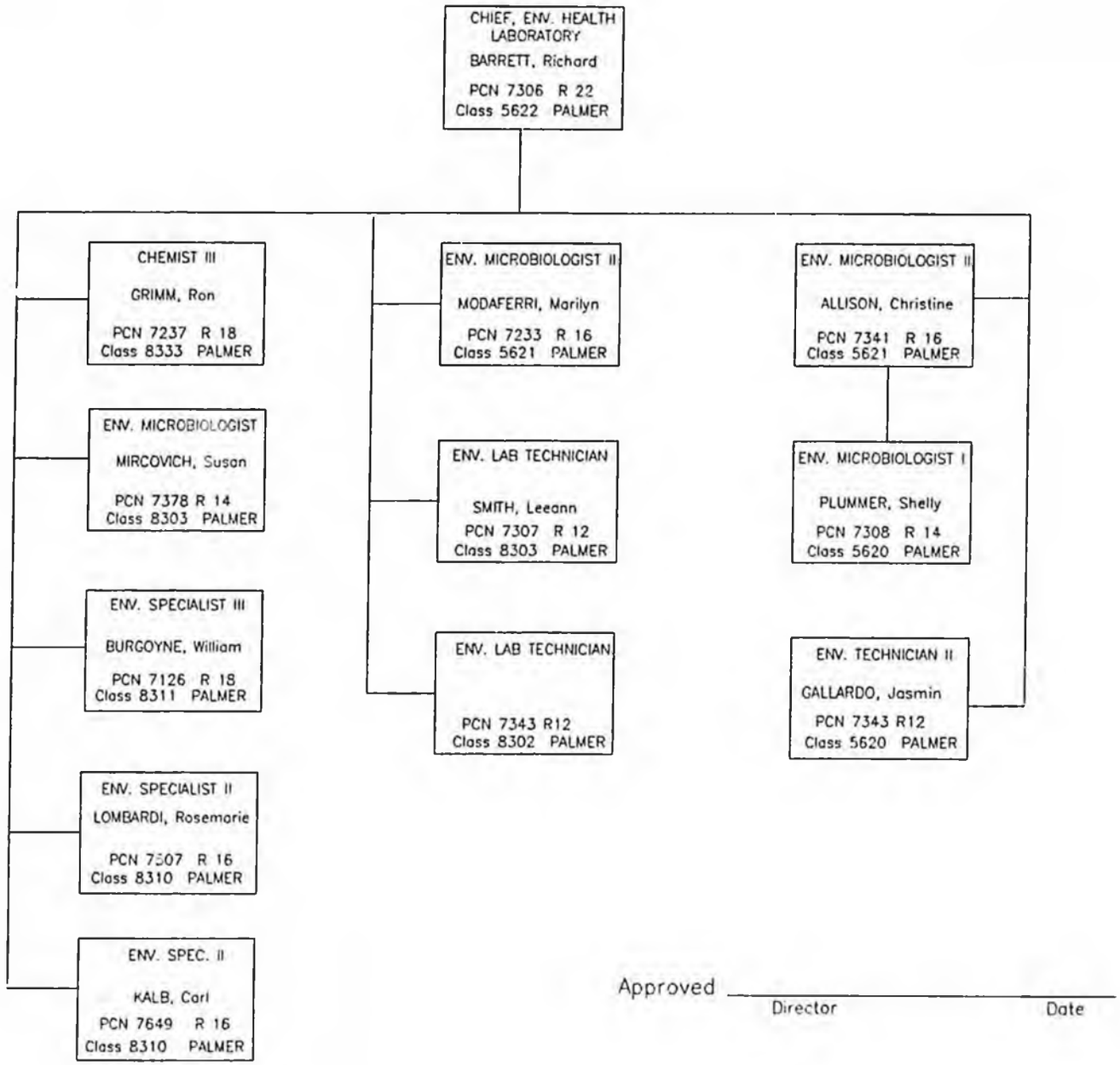
Director Date

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL HEALTH

REVISED 11/1/91

PALMER LABORATORY



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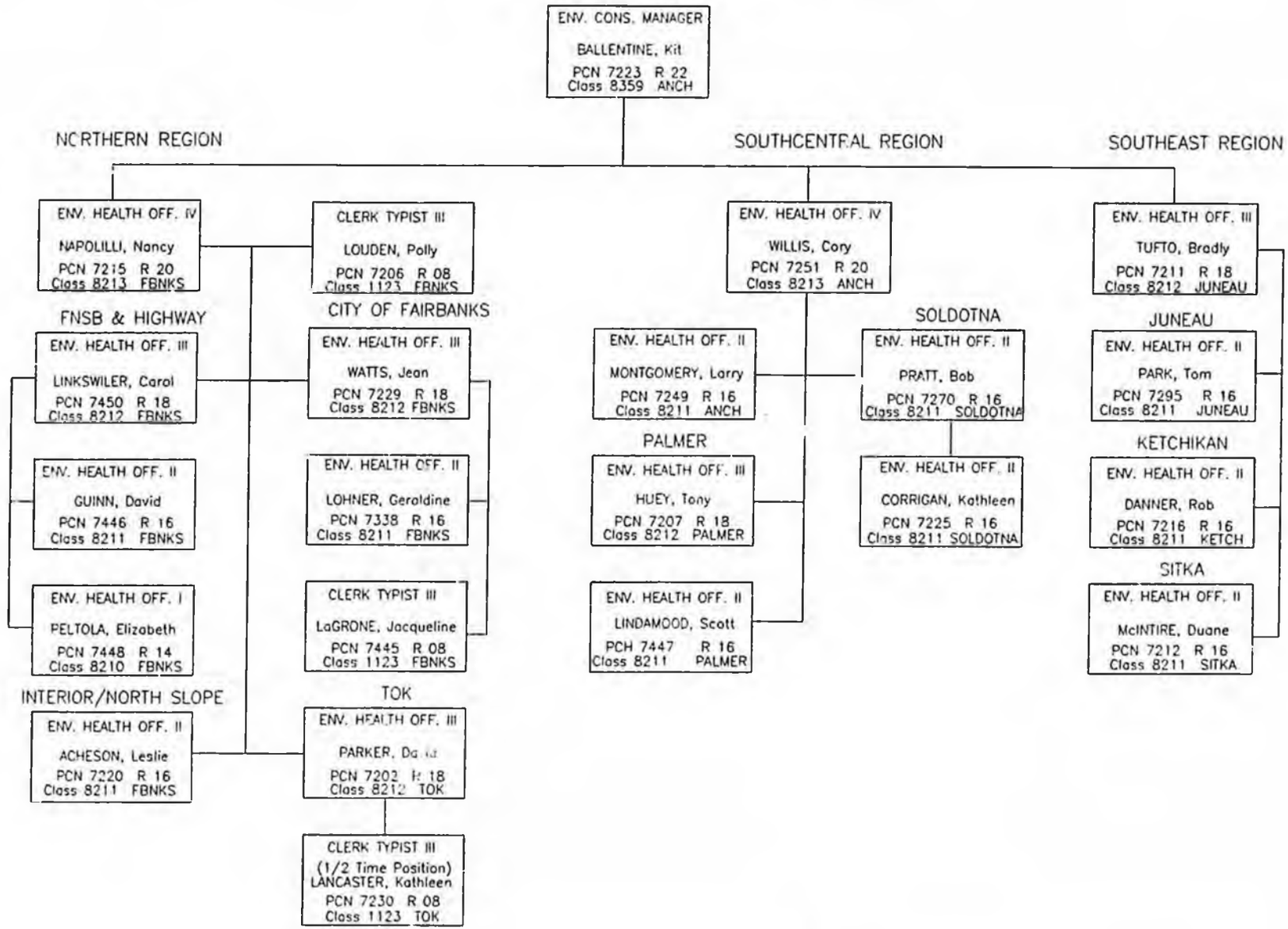
STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL HEALTH

ENVIRONMENTAL SANITATION

REVISED 11/1/91



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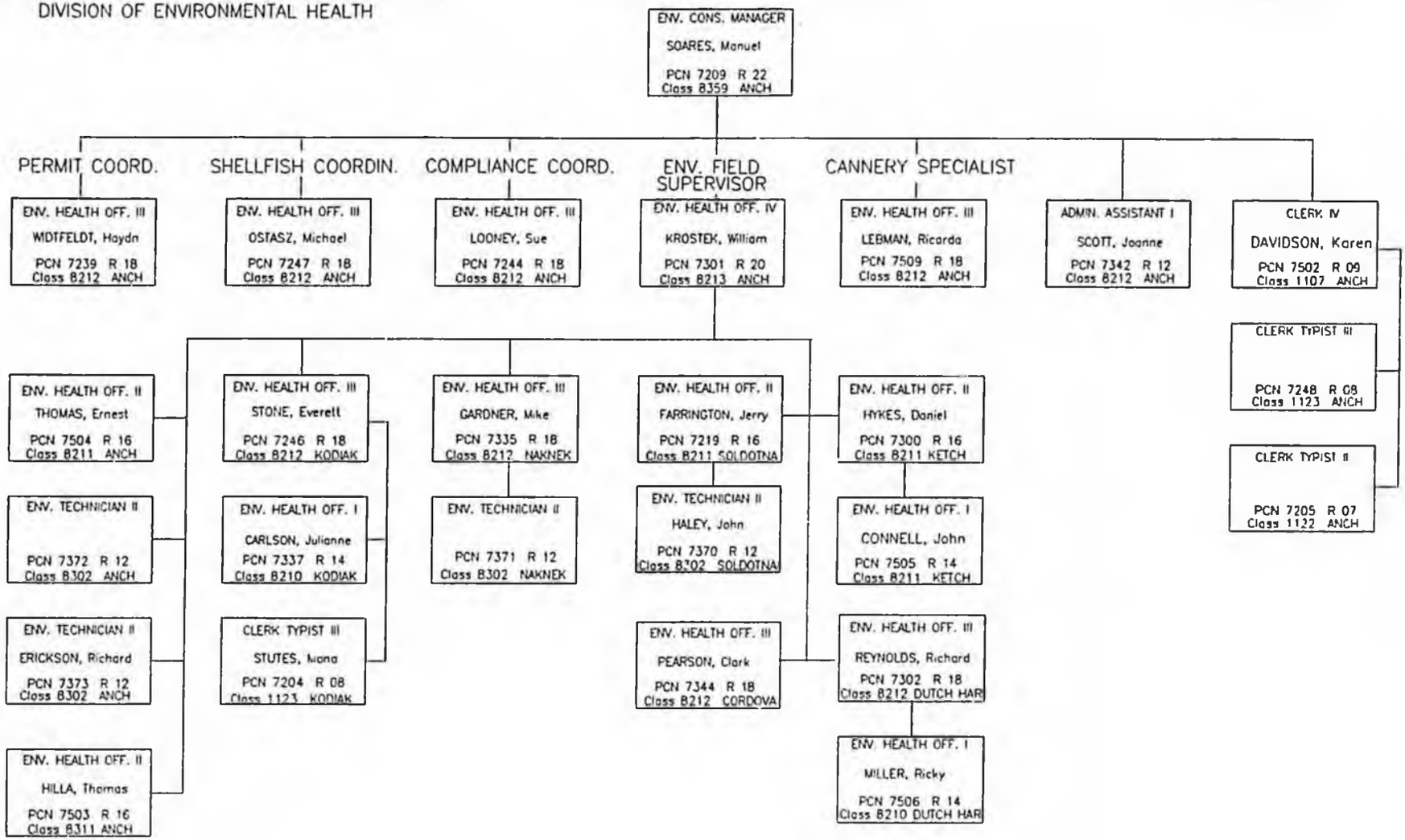
Director Date

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL HEALTH

SEAFOOD PROGRAM

REVISED 11/1/91



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Director Date

Goal To manage the proper and safe use of pesticides to prevent adverse effects on human health, wildlife and the environment in order to insure the integrity of the public health, prevent environmental contamination and comply with State Regulations and FIFRA.

Program Background

Congress in 1976 passed the Toxic Substances Control Act (TSCA), which set up a premanufacturing review process that also regulates the manufacture, processing, distribution and use of all new chemicals. The act is designed to regulate the risks posed by the more than 65,000 existing chemicals and the thousands of new chemicals created yearly. Nationally, Americans use about 3 billion pounds of pesticides yearly. Improper use can cause the chemicals to pollute soil, kill vegetation and animals and contaminate the nation's and state's groundwater supplies. The Alaska Department of Environmental Conservation (DEC) since the mid 1970s has carried out Environmental Protection Agency (EPA) regulations on pesticides.

Issues

The major issue is for the state to set up programs to train commercial applicators of the proper methods of pesticide and herbicide use. The chemicals are used by the Alaska Railroad and Alaska Department of Transportation and Public Facilities for vegetation control, while other forms of chemicals, biocides, are used extensively at Prudhoe Bay by the state's oil industry. The goals are to enforce regulations on the chemical use to protect the state's citizens, wildlife and environment. Since 1975 there has been only one pesticide-related fatality in Alaska, and few of a "serious" nature.

Major Features

The Pesticide Program:

- Certifies roughly 1,825 pesticide applicators a year in proper use of the chemicals. DEC in FY 90 offered 33 training courses for chemical users where 341 people were involved. The state issues about 12 new permits each year and last year investigated 66 cases of alleged misuse of pesticides.
- Conducts about two dozen marketplace inspections yearly and several dealer inspections.
- Inspects food processing businesses, restaurants, service establishments and seafood processing plants for proper use of a range of chemicals, from pesticides to sanitizers.
- Provides technical assistance to applicators, answers public inquiries about pesticides, issues permits for aquatic applications, and monitors use to prevent injury and aerial contamination.
- Inspects greenhouses, research stations and mosquito and biting fly control programs.

Progress to Date

The program so far has been successful in preventing any medical injuries as a result

of improper application-use of pesticides during the past four years.

Activities in FY 93

ENFORCEMENT

* Conduct enforcement activities required to protect the public, workers, endangered species, habitats and groundwater sources.

* Fulfill all compliance monitoring activities required by the General Guidance and expand monitoring of commercial pest control operators and TBT anti-fouling paint dealers/applicators.

* Incorporate cancellation/suspension inspections in all compliance monitoring activities.

* Ensure the inspection program continues to educate private and commercial pesticide users in the proper use, storage and disposal of pesticide products and in pollution prevention.

GROUNDWATER, WORKER PROTECTION & ENDANGERED SPECIES

* Finalize the Worker Protection and Groundwater Implementation Strategies, reproduce EPA developed educational/training materials, and distribute those materials to the public and regulated community.

* Continue development of the necessary infrastructure among agencies and communities to develop and implement management plans for Groundwater, protection plans for Endangered Species And to promulgate the Worker Protection Standard.

* Initiate outreach/communication programs to notify both the agricultural community of the new Worker Protection Standards, and the public and responsible agencies of the Groundwater Protection Implementation Strategy.

* Develop generic and chemical specific Groundwater State Management Plans as required.

* Continue to monitor, assess and compile data on pesticides in groundwater.

PROGRAM BENEFITS

The state's pesticide program works to prevent environmental damage to vegetation, crops, wildlife or humans from the improper use of pesticides.

Fact Sheet: Division of Environmental Health
Meat/Poultry/ Animal Health and Dairy Program

Goal

Protect human health by regulating the purity of meat and poultry and the sanitation of dairy products produced in Alaska.

Program Background

Before Statehood, the U.S. Department of Agriculture was responsible for programs that monitored the health of Alaska's livestock and poultry farms and inspected the purity of its dairy industry. Since, the Alaska Department of Environmental Conservation (DEC) was created in 1971 those programs have been assigned to the Department. The Legislature in spring 1990 also allocated funding to permit a reindeer meat inspection program to be conducted.

Major Features

The major features of the program include:

Animal Health
-- Monitors the import and export of domestic animals and controls animal-to-animal diseases.
-- Provides for quarantines and/ or compliance with laws calling for disposal of diseased livestock.

Dairy Sanitation
-- Oversees the producers and processors of milk and frozen desserts, inspects the sanitation conditions and equipment at the state's dairy farms and its milk processing plant.
-- Samples to ensure the wholesomeness of Alaska milk products.

Meat and Poultry
-- Inspects all state slaughter houses and processors to make sure they meet state and federal sanitation standards in the processing of meat and chicken and samples for wholesomeness.

Activities in FY 93

During FY 1993 the program will:

-- Adopt import and change of ownership regulations for pseudorabies in swine
-- Maintain a state "Equal to Federal Inspection" program to enable state-inspected meat products to enter wholesale commerce.
-- Regulate interstate shipment of reindeer for farming purposes
-- Bring two additional reindeer slaughter facilities under inspection in Nome and White Mountain and increase inspections at Bering Sea Reindeer Products in Mekoryuk

Program Benefits

The program protects public health and an Alaskan industry by assuring the wholesomeness of Alaskan-raised meat, poultry and dairy products. It also assures the health of imported and exported farm animals and horses -- an important factor in their sale.

Fact Sheet: Division of Environmental Health, Laboratory

Goal

Protect public health and support all DEC Environmental Health Division programs by performing scientifically complex tests to check for a wide range of illness or forms of environmental contamination.

Program Background

When the Department of Environmental Conservation (DEC) was created in 1971, meat and dairy inspections were handled by a laboratory run since 1965 by the state Division of Agriculture. That lab continued to support DEC programs for the first 10 years of the Department's life. In 1981, however, the state took over operation of the laboratories, the Palmer facility specializing in microbiological tests, with another Department lab in Douglas concentrating on chemical analysis.

Issues

The Palmer lab is involved in most every major health issue that affects the public's health and safety in Alaska. It performs chemical-biological tests on all meat raised in the state, on state dairy products, all state fish and shellfish stocks and even on Alaskans' pets. It performs a host of chemical checks on questionable samples, searches for the cause of outbreaks of illness, monitors the quality of water testing labs and deals with diverse health issues from human illness to brucellosis in cattle.

Major Features

The major features of the Laboratory Monitoring Operating Program include:

-- For Seafood: It conducts basic inspections, plus routine random chemical, bacteria and microbiological tests on all finfish in the state. For bi-valve shellfish, like clams and oysters, it conducts microbiological tests and checks for the presence of the toxin PSP that causes **Paralytic Shellfish Poisoning**. For crab and shrimp the lab also conducts organic testing programs. The lab also tests for **parasites.**

-- For animals: It conducts a wide range of routine testing programs, many needed for breeders to receive international health certificates for sale or shipment of animals from Alaska. For cattle it tests for **brucellosis**, while it tests for **EIA (Equine Infectious Anemia)** in horses, especially those intended for interstate sale. It also tests pets, especially dogs, intended for shipment from the state. The program also tests for **mastitis, TB** and other illnesses.

-- For dairy animals: It screens for milk quality,

microbiologically and chemically.

-- For water, it tests the performance of 25 private laboratories that screen water for microbiology and bacteria problems.
-- The lab also tests everything from animal feed to fertilizer and pesticides, not counting a wide range of microbiological, serological and chemical tests on samples submitted by the public.

Progress to Date

The program, which has a staff of three microbiologists, two environmental technicians, one chemist and the laboratory director, in FY 1990 is conducting multiple tests on 15,000 samples, including some 5,000 seafood samples, 3,700 resulting from potential contamination caused by the Exxon Valdez oil spill. The lab conducted 6,231 animal tests in FY 1989, tested 126 animals bound for export from the country, conducted 922 seafood processor inspections, tested 1,744 seafood samples for PSP, conducted 1,619 water samples, and handled 173 consumer complaint tests.

Activities in FY 91

In Fiscal Year 91 the lab will continue its regular sampling program. It also:

-- Develop and implement a domoic acid sampling program for shellfish and other seafood products.
-- Will complete development of a sampling program for **listeria**, a type of bacteria that is beginning to appear in Alaska seafood stocks. The bacteria is somewhat similar to salmonella in its effect.
-- Initiate sampling program for heavy metals, PCB and Listeria in seafood products.
-- Continues certification of drinking water testing labs.

Program Benefits

The laboratory testing program is essential if the other program elements of the Environmental Health section are to carry out their missions to protect the public from illness and health problems.

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DIVISION OF ENVIRONMENTAL HEALTH
ENVIRONMENTAL SANITATION

Goal

To ensure that public facilities maintain sanitary conditions that will protect the health and safety of Alaska residents and visitors.

Issues

Major sanitation issues abound in Alaska. Examples range from the cases of 29 health aides who developed gastrointestinal illness while attending a retreat, and the eight individuals who contracted Hepatitis A traced to a child-care center, to the 32 Alaskans who got sick after eating pesticide-contaminated watermelon.

The state's environmental sanitation program is responsible for maintaining and enforcing necessary standards of cleanliness and sanitation during the construction, operation and maintenance of public facilities. Prevention, which is the likely key to achieving the mandate, requires not only a strong inspection / enforcement program, but also a strong education program.

Major Features

The Environmental Sanitation Program:

- Inspects over 6,000 facilities statewide: 10 types of public facilities, each with different statutory and regulatory requirements: permanent and temporary food service facilities and bars, food stores and markets, warehouses and food processors, schools, public accommodations, pools and spas, barbershops/beauty shops/tattoo parlors/day care/preschool/child and adult residential care centers, and compressed air providers.
- Monitors and enforces the Smoking in Public Places Law and Vehicle Law.
- Carries out program goals by education, voluntary compliance and enforcement. Provides in-depth technical assistance in the design, operation and maintenance of pools and spas, school safety, indoor air quality, food service operations and epidemiological investigations.
- Is staffed by 19 Environmental Health Officers, who conduct plan reviews and facility inspections, issue permits and approvals, investigate complaints regarding public facilities and foodborne-waterborne illness, and respond to disasters and product recalls.
- Issues field directives, policies and guidelines, and provides training to assist public facilities operators.
- Works closely with other agencies in providing inspection information, investigative support and interagency coordination.
- Publishes local monthly food service inspection scores.

Progress to Date

During the past year, the section conducted 5,000 public facility inspections, investigated more than 500 complaints, issued more than 1,200 permits and certifications, reviewed more than 300 facility plans and applications, provided 3,000 instances of technical assistance and 90 training sessions, and conducted four product recalls.

In addition, the program staff:

- Developed drinking water education curriculum for elementary and secondary levels and facilitated its use in schools in the village of Noatak.
- Revised regulations to:
  Incorporate food processing in food service regulations and create sections on bottled water and vacuum packaged foods.
  * Address contemporary issues such as sifting agents, bulk food sales, manager certification, bed and breakfast operations and bulk food sales.
  * Clarify requirements for recreational vehicles.
  * Develop noise standards in schools and identified specific safety hazards in schools, preschools and child care facilities.
- Provided nationally recognized operator training for pool and spa operators throughout the state.
- Installed over 1,500 radon detectors in schools and child care facilities throughout the state.
- Developed a series of five informational brochures regarding insect and rodent control and safe storage of toxics and chemicals for distribution to facility operators and the public.

Activities for FY 93

- Develop and implement Food Service Certification & Recognition Program.
- Incorporate more pollution prevention activities during routine inspections and village visits.
- Enhance Health & Safety Education program through the scheduled publishing of day care and school news letters, and participation on sanitation task force.
- Increase inspectional and educational activities of retail stores handling seafood.

Program Benefits

The ultimate benefit of the Environmental Sanitation Program is that an acceptable level of basic sanitation is maintained in public facilities, through surveillance, education and prevention, to protect the health of both Alaskans and visitors and to prevent the occurrence of major disease outbreaks associated with the use of public facilities.

DIVISION OF ENVIRONMENTAL HEALTH
SEAFOOD INSPECTION SECTION

Goal

To guarantee the wholesomeness and safety of all Alaska seafood caught for commercial sale, in order to protect the reputation and thus marketability of the state's seafood for the benefit of the nearly 35,000 people who make their livings from the sea.

Program Background

While the state has had a seafood inspection program since the 1970's, it was expanded in spring 1982 after a Belgian man died of botulism from eating a single tainted can of salmon processed in Alaska in 1981. Since 1982 the program has been upgraded, standardized and expanded. It now employs 15 inspectors to monitor about 600 floating and shore-based seafood processing plants.

Issues

With Alaska fishermen and women now harvesting more than a billion pounds of seafood a year, the main issue is ensuring the proper care of the seafood after harvest, its transport, and especially its processing - often into value-added products. The goal is to guarantee the fish remain free of any chemical or biological contamination. The program concentrates on inspections of salmon canneries and firms that smoke salmon and vacuum-pack it into pouches - processes which if performed incorrectly are capable of producing unsafe product - and the processing of some types of shellfish: notably oysters, mussels and razor clams, which are subject to contamination by Paralytic Shellfish Poisoning (PSP).

Major Features

The major features of the Alaska Seafood Inspection Program include:

- Review of all construction and facility plans to check for design problems that could result in sanitation-processing lapses.
- Issuance of permits that require processors to follow state seafood regulations, and in the case of canneries and other value-added processors, to follow specific approved plans of operation.
- Inspections of fish tenders and processing plants to insure that proper procedures are followed and training received.
- Use of enforcement actions, from warnings to issuance of notices of violation in the case of more serious problems. The program also can detain contaminated or adulterated seafood. These are all steps to ensure that only healthy seafood reaches market.

Progress to Date

Since 1982 the program has become far more sophisticated. Improvements include:

- Expanded microbiological testing of seafood products.
- Focusing the program, concentrating inspection efforts on facilities with the higher health risks or those with lower previous inspection scores.
- Standardizing the inspection process, with written directives, policies, and guidelines for processors.
- More emphasis on upgrading handling procedure, ie., requiring that fish be iced before processing and kept free of petroleum-based contamination.
- Development of a scored inspection checklist based on relative health risks.
- New regulations that are easier to use, establishment of a special section for direct market fishing vessels, and consolidation of requirements.
- Creation of an advisory committee made up of the FDA, National Fish Processing Association and others to oversee creation of new regulations and procedures.
- Following the March 24, 1989, Prince William Sound oil spill, creation of a special inspection program that inspected processing plants several times daily to prevent the harvest of any oil-contaminated fish, and conducted inspections of potentially contaminated boats.
- During 1989 detained more than 490,000 pounds of decomposed salmon, another nearly 300,000 pounds of adulterated salmon potentially contaminated by the results of the oil spill, plus thousands of pounds of halibut, herring, oysters and crab. The efforts protected the consumer and ensured the reputation of Alaska's seafood.

Activities in FY 93

Upcoming activities include:

- Initiate domoic acid sampling program for shellfish and dungeness crab.
- Initiate PCB sampling program of all Alaska fin fish.
- Continue detailed inspection program, which may help open more areas for fishing.
- Training inspectors to standardize inspections statewide.

Program Costs

The cost for the seafood program in FY 92 is about $1.7 million.

Program Benefits

Since 1982 there have been no incidents where contaminated fish have reached market and no cases of botulism reported from Alaska seafood. The program has guaranteed the wholesomeness and safety of seafood stocks and helped increase the market for Alaska seafood, helped Alaska stocks compete against foreign, pen-reared salmon, and helped to promote satisfactory prices for the catch.

SPAR MISSION

The Spill Prevention and Response (SPAR) Division of the Alaska Department of Environmental Conservation is responsible for preventing incidents involving the spill or release of oil and hazardous substances. In the event of spills or releases, SPAR will be prepared to minimize the impact upon lives, property, and environment by responding decisevely to secure, contain, and remove such discharges in accordance with the National Congingency Plan and the State Master Plan. Further, locations contaminated by hazardous materials will be detected and aggressive clean up action taken according to priority ranking of sites. Included in SPAR's mission is coordination of planning and response activities with Federal and State agencies, local governments, and local responders.

SPAR VISION

The Spill Prevention and Response programs protect Alaskan citizens, public health, and the environment in a service-minded manner. The women and men effectively manage the resources entrusted to them by the public through creative and innovative problem-solving, cost-effective planning and operations, and fair and reasonable applications of laws and regulations. Through a spirit of cooperation, SPAR is responsive to the needs of the public, other government agencies, and fellow workers.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Spill Prevention and Response

FY 92 Program Objectives

Spill Response

Improve the State's capability to respond to oil and hazardous substances pollution incidents, particularly those of a catastrophic or significant nature, in coordination and cooperation with the Federal On Scene Coordinator. Work with other State agencies, especially the Division of Emergency Services, to improve staffing of the State's Incident Command System. Develop an inventory of pollution response equipment throughout the State, country, and world. Develop a database for responders, including volunteers and regional hazardous materials response teams. Promulgate operations manuals for spill responders. Improve electronic communications capability throughout the State for spill response. Integrate spill planning with response readiness through planning and participation in meaningful exercises and drills. Acquire response action contractors for emergency spill response.

Safety and Training

Ensure that all responders to oil spills and releases of hazardous substances have the skills and knowledge required to perform their duties in a safe and professional manner. Develop individual training records and an annual training plan and identify training opportunities in Alaska. Re-establish the medical monitoring program for ADEC employees who may normally respond to spills and releases

Oil and Hazardous Substances Release Response Fund

Promulgate policy and procedures to improve management of the Oil and Hazardous Substance Release Response Fund. Document areas where Fund management can be improved with policy guidance and direction from the Commissioner. Ensure that expenditures from the Fund are appropriate and it is managed according to State law.

Contingency Plans

Prevent adverse impacts to public health and the environment by ensuring the development of sound requirements to implement recent legislation; adequate industry oil spill response planning and preparation through review of facility and vessel contingency plans and verification of response capability by drills and inspections. Evaluate the need to require other transportation modes to submit contingency plans for transporting oil and hazardous substances.

Spill Prevention

Reduce the size and number of oil spills in Alaska by promulgating effective requirements; providing technical assistance and public education; participating in specific risk reduction efforts; and verifying industry compliance with prevention requirements.

Financial Responsibility

Ensure that oil handlers in Alaska have adequate financial resources to conduct spill response actions to a major discharge of oil by developing requirements that allow multiple mechanisms for demonstrating proof of financial responsibility and reviewing and approving financial responsibility documentation.

Response Planning

Ensure a coordinated and effective state agency response to all significant oil and hazardous substance discharges by developing a state spill response plan; testing the adequacy of the plan through spills and spill exercises; and routinely revising the plan to incorporate lessons learned.

Local Emergency Response Planning

Ensure preparedness for oil and hazardous substance spill response at the local level by providing funding and technical assistance for the establishment of Local Emergency Planning Committees, completion of local "hazards analyses", and development and implementation of local spill response plans.

Spill Response and Cleanup Technology

Investigate uses of new technologies through the Hazardous Substance Spill Technology Review Council, developing testing protocols and using spills of opportunity to apply new technologies. Participate in research, development, testing, and evaluation activities with the Prince William Sound Science Center, University of Alaska, and other states and federal agency R & D organizations.

Contaminated Sites

Implement a contaminated site management system which discovers, lists, ranks, assesses, cleans up and closes out sites in a systematic process. Maintain an automated database to inventory and rank sites, recording assessment and clean up actions. Reduce the inventory of sites by obtaining federal and State funding and working with State agencies, local governments, and private parties in overseeing clean up and restoration of their sites.

Underground Storage Tanks

Provide financial assistance to underground storage tank (UST) owners so they can upgrade their UST systems and clean their sites to a point where they may be insured by the private sector and remain in business as an integral part of our economy.

Federal Contaminated Sites

Work with the Department of Defense in overseeing the assessment and cleanup of contaminates sites at thirty military facilities in the State. Negotiate cooperative agreements between DEC, EPA, DOD, and U.S. DOT regarding cleanup of contaminates sites at major facilities of Eielson AFB , Elmendorf AFB, Fort Wainwright, and Standard Steel Salvage Yard.

CERCLA

Participate in the CERCLA process with EPA to ensure that federal superfund dollars are spent judiciously to assess and cleanup contaminated sites which pose the greatest threat to human health and the environment.

Administration and Management

Develop a Division Organization Manual which describes the Spill Prevention and Response Program listing the mission of SPAR, program descriptions, organization, staffing. Involve staff in fiscal management, personnel administration, project management, and time management. Look for ways to meet the Administration's goals of downsizing by conducting a workload analysis, streamlining processes, delegating authority to the lowest level practical giving staff responsibility and accountability, consolidating similar activities, and re-structuring the Division's organization to perform more efficiently.

EXXON VALDEZ Spill Office Transition

Continue efforts to conclude the operations of the EXXON VALDEZ Spill Office, supporting remediation, restoration, and cost-recovery activities. Eventually transferring appropriate responsibilities to the Regional Administrator and Contaminated Sites Section. Assist in finding State employment opportunities for employees of this Staff.

Public Information

To raise public awareness about the threats posed by the storage and transportation of oil and hazardous substances in their communities by establishing and advertising computer access to all information from facilities required to report the types and locations hazardous substances in storage or use. Inform the public in a timely, honest, and thorough manner of spill response activities incoordination with the Federal On Scene Coordinator. Look for opportunities to inform the public of other significant activities under Division purview that affect them.

SPILL PREVENTION AND RESPONSE DIVISION

- OVERVIEW -

Introduction

The Division of Spill Prevention and Response (SPAR) was established in July 1991, and is responsible for protecting the quality of Alaska's land, waters, and air from oil and hazardous substance spills. The Division strives to implement this mandate in a way that provides a stable and credible regime for the regulated community while enhancing the health and general welfare of the people of the State.

The Division is responsible for preventing incidents involving the spill or release of oil and hazardous substances. In the event of spills or releases, SPAR will be prepared to minimize the impact upon lives, property, and environment by responding decisively to secure, contain, and remove such discharges in accordance with the National Contingency Plan and the State Master Plan. Locations contaminated by hazardous materials will be detected and aggressive clean up action taken according to priority ranking of sites.

The division establishes regulations to protect public health and resources; issues authorizations such as plan approval or certificates in accordance with regulations: and monitors and maintains compliance with environmental standards. The Division also provides assistance and guidance to industry and the public on spill response matters, and serves as the designated State recipient of federal environmental quality financial assistance.

The Division includes three sections to carry out its mandate: including Spill Prevention, Planning and Management, the Spill Response Office, Contaminated Sites cleanup/Storage Tank Assistance (enclosure I).

Director's Office

The Spill Prevention and Response Director's Office provides overall management and administrative functions of the new Division. Activities include program development and supervision; budget and work plan development; regulation development oversight; regional work plan review; and overall program responsibility for the Division. The Director is the Commissioner's designated Oil and hazardous Substance Release Response Fund manager.

Spill Prevention, Planning and Management Section

This section manages three projects (1) Oil Pollution Control, (2) State Emergency response Commission, and (3) State and Regional Contingency Planning (enclosure II).

Oil Pollution Control:

The Oil Pollution Control Project reduces the potential for oil and hazardous substance spills through design, development, planning coordination, implementation and administration of Statewide programs for facility and vessel contingency plans, inspections, discharge exercises, prevention, financial responsibility and subcatastrophic spill response. Major activities include development of policy, legislation, regulations, and workplans; coordination and implementation of program objectives through four regional offices; tracking and reporting on the status and progress of all spill incidents; preparation of technical analyses and reports; development and management of agreements and contracts for spill response and special projects; technical assistance to the public and regulated community; and initiation of enforcement action as appropriate for approximately 400 operators required to submit proof of financial ability to respond to spills.

State Emergency Response Commission:

The State Emergency Response Commission (SERC) is composed of nine State agency commissioners and seven public members. This project provides the staff support to the SERC for implementation of local emergency planning and community right-to-know programs as mandated by state and federal laws. The SERC assists the State and local governments with the development of oil and hazardous substance spill contingency planning by conducting training workshops and providing information to local communities.

State and Regional Contingency Planning:

The State and Regional Contingency Planning project develops and annually revises Statewide and regional plans to coordinate State and other parties involved in response to hazardous substance incidents including oil spills. Regional plans provide detailed information regarding spill hazards, risk to humans and the environment, and response capability.

Spill Response Office

The Oil and Hazardous Substance Spill Response Office (enclosure III) is a highly trained group responsible for immediate response to catastrophic spills or declared emergency discharges of oil or hazardous substance anywhere in Alaska. Staff prepare all State responders for such events by improving the State's overall oil and hazardous substance spill response capabilities through education, training on response techniques, equipping responders, addressing life, health, safety issues prior to an incident.

Oil and Hazardous Substance Technology Review Council:

The Spill Response Office also provides staff assistance to the Oil and Hazardous Substance Technology Review Council which is composed of the commissioner of DEC, the adjutant general of the Department of Military and Veterans Affairs, a representative from the University of Alaska, the Governor's senior science advisor, a

representative of the Prince William Sound Science Center, and four public members appointed by the Governor. The Council assists in the identification of containment and cleanup products and procedures for arctic and sub-arctic hazardous substance releases. The council reviews oil and hazardous substance spill cleanup technology research and development activities undertaken by other government agencies and industry spill response groups. The council also makes recommendations to the Department and agencies of the state regarding the use and deployment of these products and procedures.

Contaminated Sites Section

This section manages the State contaminated sites project, Leaking Underground Storage Tank and Underground Storage Tank (LUST/UST) projects, Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) project, Department of Defense Federal Facilities cleanup and Storage Tank Assistance program (enclosure IV).

State Contaminated Sites:

The State contaminated Sites project systematically identifies, lists, ranks and selects contaminated sites throughout Alaska for assessment and cleanup on a priority basis.

LUST/UST:

The federally funded Leaking Underground Storage Tank (LUST) project is responsible for overseeing corrective action at sites where a release has occurred from a commercial underground storage tank. The federally funded Underground Storage Tank (UST) program provides technical assistance and courtesy inspections to tank owners and provides staff support for State program approval to the Environmental Protection Agency.

CERCLA:

CERCLA, is a federal statute requiring all hazardous sites be inventoried and investigated. The State's program is composed of 2 cooperative agreements (CA), called Multisite and Core respectively. The Multisite CA provides federal funds (no match) for the State to conduct field investigations and score sites under the CERCLA Hazardous Ranking System. The Core Program CA provides federal funds for State CERCLA program development including supervision, management, cooperative agreement administration, contracts, procurement, training, and legal assistance.

Federal Facilities Cleanup:

The Department of Defense (DOD) federal facilities program negotiates cleanup compliance orders and oversees the multi-million dollar cleanup of contaminated sites on federal facilities. Federal funds are received from DOD for State participation and oversight of federal facility cleanups.

Storage Tank Assistance:

The Storage Tank Assistance project protects the public from contamination resulting from leaking underground storage tanks through a newly created regulatory and assistance program which includes prevention, education and cleanup. With guidance from the Board of Storage Tank Assistance, State financial assistance is provided for conducting site assessments and testing tanks for leaks, cleanup from leaking tanks, and upgrading or removing tanks. Regulations govern certification of tank workers and site assessors. Installation, registration, maintenance, leak detection, site assessment, upgrade, cleanup and closure of tanks and tanks systems is also governed by regulations under this project.