



# LAWS OF ALASKA

2002

**Source**  
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**Chapter No.**  
52

## AN ACT

Relating to the authority of the Department of Environmental Conservation to issue general and individual permits for waste disposal; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

**Approved by the Governor:** June 19, 2002

**Actual Effective Date:** Section 8 takes effect June 20, 2002; remainder of Act takes effect July 1, 2002

AN ACT

1 Relating to the authority of the Department of Environmental Conservation to issue general  
2 and individual permits for waste disposal; and providing for an effective date.

3

4 \* Section 1. AS 46.03.100(a) is amended to read:

5 (a) A person who conducts an operation that results in the disposal of solid or  
6 liquid waste material or heated process or cooling water into the waters or onto the  
7 land of the state shall procure a permit from the department before disposing of the  
8 waste material or water. The permit shall be obtained for direct disposal and for  
9 disposal into publicly operated sewerage systems. If the disposal is of water or a  
10 waste other than hazardous waste, a general permit may be issued under (h) of  
11 this section.

12 \* Sec. 2. AS 46.03.100(f) is amended to read:

13 (f) This section does not apply to discharges of solid or liquid waste material

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1 or water discharges from the following activities if the discharge is incidental to the  
2 activity and the activity does not produce a discharge from a point source, as that term  
3 is defined in regulations adopted under this chapter, directly into any surface water of  
4 the state:

5 (1) mineral drilling, trenching, ditching, and similar activities;

6 (2) landscaping;

7 (3) water well drilling, geophysical drilling, or coal bed methane  
8 drilling or other natural gas drilling to recover gas from a reservoir at a depth of less  
9 than 3,000 feet; or

10 (4) drilling, ditching, trenching, and similar activities associated with  
11 facility construction and maintenance or with road or other transportation facility  
12 construction and maintenance; however, the exemption provided by this paragraph  
13 does not relieve a person from obtaining a permit under [(a) OF] this section if

14 (A) the drilling, ditching, trenching, or similar activity will  
15 involve the removal of the groundwater, stormwater, or wastewater runoff that  
16 has accumulated and is present at an excavation site for facility, road, or other  
17 transportation construction or maintenance; and

18 (B) a permit is otherwise required by [(a) OF] this section.

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

20 (h) The department may issue a general permit on a statewide, regional, or  
21 other geographical basis for a category of waste disposal or water disposal, other than  
22 hazardous waste disposal, for which a permit would otherwise be required under this  
23 section. A general permit may be issued only if the commissioner determines that the  
24 activities that will be authorized under the permit are similar in nature and will cause  
25 only minimal adverse environmental effects when performed separately and  
26 cumulatively. The provisions of (e) of this section do not apply to a general permit for  
27 disposal of solid waste.

28 \* **Sec. 4.** AS 46.03.110(a) is amended to read:

29 (a) An application for a permit shall be made on forms prescribed by the  
30 department or on forms prescribed by the United States Environmental Protection  
31 Agency and must contain the name and address of the applicant, a description of the

1 applicant's operations, the quantity and type of waste material sought to be disposed  
2 of, the proposed method of disposal, and any other information considered necessary  
3 by the department. Application for permit shall be made at least 60 days before  
4 commencement of a proposed discharge. The applicant may request that a general  
5 permit be issued under AS 46.03.100(h), or the department may, on its own  
6 initiative, propose that an applicant be issued a general permit.

7 \* Sec. 5. AS 46.03.110(b) is amended to read:

8 (b) Upon receipt of a proper application for an individual or general permit  
9 or upon a determination by the department that a general permit should be  
10 proposed, the department shall publish notice of the application or proposal, as  
11 applicable, in two separate publications of a newspaper of general circulation within  
12 the general area in which the disposal of waste material is proposed to be made. The  
13 notice shall also be posted on the Alaska Online Public Notice System maintained  
14 under AS 44.62.175 and may also be published in other appropriate information  
15 media. The notice must include a statement that a person who wants to present views  
16 to the department in regard to the application or proposal may do so in writing to the  
17 department within 30 days after [OF] the second publication of the notice. The  
18 written response entitles the writer to a copy of the application and, in the case of an  
19 application or proposal to issue a general permit, the application or proposal  
20 shall also be posted by the department on the Internet at the same time that  
21 notice is published under this subsection.

22 \* Sec. 6. AS 46.03.110(c) is amended to read:

23 (c) When the department receives an application or makes a proposal that a  
24 general permit be issued, the commissioner shall immediately send copies of the  
25 application or proposal to the commissioner of fish and game, the commissioner of  
26 natural resources, the commissioner of community and economic development, and  
27 the commissioner of health and social services.

28 \* Sec. 7. AS 46.03.110(d) is amended to read:

29 (d) The department may specify in a permit the terms and conditions under  
30 which waste material or water may be disposed of. The terms and conditions shall be  
31 directed to avoiding pollution and to otherwise carry out the policies of this chapter.

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1           The commissioner may provide, as a term of a general permit, that a person  
2           intending to dispose of waste material or water under the general permit shall  
3           first obtain specific authorization from the department. A general permit shall  
4           be posted on the Internet by the department; the posting must include the names  
5           of persons authorized to make disposals under the permit and the locations at  
6           which disposals may be made if those locations are specifically authorized under  
7           this subsection. A permit may not be effective for a period in excess of five years  
8           from the date of issuance.

9           \* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to  
10          read:

11           TRANSITION: REGULATIONS. The Department of Environmental Conservation  
12          may proceed to adopt regulations to implement the changes made by this Act. The  
13          regulations take effect under AS 44.62 (Administrative Procedure Act), but not before July 1,  
14          2002.

15          \* **Sec. 9.** Section 8 of this Act takes effect immediately under AS 01.10.070(c).

16          \* **Sec. 10.** Sections 1 - 7 of this Act take effect July 1, 2002.