

MEETING SUMMARY

208 Policy Advisory Committee Meeting March 14, 1980

The 208 Policy Advisory Committee met in Juneau on March 14, 1980. The members of the Committee are:

Charles Johnson - Nome
LeVake Renshaw - Anchorage
Peg Tileston - Anchorage
Richard Sims (Chairman) - Kodiak
Wayne Westberg - Anchorage
David Vanderbrink - Homer
Frederick Boness - Anchorage
Ernst Mueller, (ex-officio), Commissioner, DEC

The Commissioner of DEC was represented by Glenn Akins and Deming Cowles.

Chairman Sims called the meeting to order at 9:00 a.m. Bob Martin, Chief of the Water Quality Section of DEC began by summarizing Section 208 of the Clean Water Act of 1977

Major Points:

- * Section 208 directs that states designate areawide jurisdictions for water quality planning. The Municipality of Anchorage is Alaska's only areawide jurisdiction. The state is responsible for water quality planning for the rest of Alaska.
- * The purpose of 208 is to provide a comprehensive water quality plan, that the state is following. This document is called the water pollution control program plan for FFY 80. This is the basic structure of the direction water quality planning will take in Alaska.
- * In Alaska, 208 has come to mean non-point source pollution control, because EPA emphasizes it.
- * To date DEC has had 3 grants from EPA.
 - #1 - emphasized identifying non-point pollution sources which do or could exist, and preparing technical reports on four of the real or potential problems. These were placer mining, waste oil, timber harvest and transportation corridors.
 - #2 - was directed toward preparing a water quality assessment, consisting of cataloging known data sources on maps.
 - #3 - we are presently in the initial stages of this grant. Emphasis is being placed on continuing the water quality assessment, developing techniques and alternatives for on-site waste and sludge disposal, developing a model community waste oil program, and developing a usable water quality data management system from data available from many agencies.

Q Fred Boness. Could you explain the function of this Board in the context of this plan. For example, this is a final report. Should there have been a Board meeting or a committee meeting before it became a final report?

A Bob Martin. Yes, we're hoping to use this board as the policy advisory committee for the 208 program. It is required by EPA regulation that we have a citizen advisory board.

Q Fred Boness. Will you be preparing a grant application again next year?

A Bob Martin. We are in the process of developing work plans for a grant that will carry us even further into the development of specific tools for dealing with nonpoint pollution sources.

Q Fred Boness. What can the board do for you when you've already got a final report and made all the decisions?

A Bob Martin. We've had a previous PAC that we have been working with and although I wasn't involved, I'm sure that they were involved in providing background and advice in the development of this plan. You're getting into it now when some things have been completed, other things are in the process and there are future things that we haven't developed yet. This board could be the most help in those things that are emerging right now, the issues in placer mining, the forest practices training issues, and agricultural waste projects. Those are the things that are being formulated and any help we can get from any source is going to be very valuable.

Q LeVake Renshaw: In regards to the work plan, you'll want some statement from us concerning that?

A Bob Martin. This work plan is the one that we are pursuing right now, it has been approved by EPA and we are proceeding as if this is the plan for the activities under this third grant.

If you or anyone else identifies a very good point we've overlooked as we're pursuing any of these tasks, it's not at all impossible to amend the work plans. There has been a lot of thought put into this work plan and we're trying to stick to it as closely as we can.

Q Richard Sims. Is there a date associated with this schedule?

A Bob Martin. The initial starting point on the charts is January of this year.

Elbert Moore, with the 208 program, EPA, Seattle spoke next. He continued to summarize the background of 208, and explained the organization of people responsible for the program at the regional level of EPA.

Major Points

*Planning agencies must be committed to solving or addressing existing or potential non-point source pollution problems before grant funds will be made available.

- *For the period 1980-84, Region X will receive about \$2.5 million, to be divided between the four states in the region based on need.
- *The 208 program is flexible, based on what problems exist where, as far as how the money is spent.
- *Public participation is essential to the program.
- *EPA will be more selective in future of what projects will be funded, due to a smaller amount of funds being available.

Q Peg Tileston. With the emphasis shifted to nonpoint source pollution does EPA nationally feel that they have point source pollution in hand?

A Elbert Moore. Yes, that is the general interpretation at the national level. The solutions to point source pollution are pretty well identified and understood and there are pretty good mechanisms for dealing with them.

Q Peg Tileston: Some of the major violators, both of point source, and I would assume, nonpoint source pollution in some respects have been agencies of the government. Is this still very much the case or is any headway being made in getting the municipalities, state and federal agencies to comply?

A Elbert Moore. Yes, from an overall regional standpoint considerable headway has been made by government for point source kinds of problems.

C Bob Martin. We are now beginning to look at non-point source pollution problems. That doesn't mean that EPA has abandoned the investigation of point sources of pollution. The vast majority of EPA funding still goes into such things as construction of municipal treatment plants. Secondly, it is true that a number of the facilities in this State that are in need of complying with point source regulations are federal and, in some cases I suppose, state institutions. They are rapidly complying and I recognize that as a strong emphasis. They are still working on it although the general tone now is that the problems of point pollution source control are much better understood than nonpoint and that's why the emphasis now is on the nonpoint.

Q Fred Boness. Is Region X in competition with all the other regions for the national pie and is Alaska in competition with other states? How is it decided who gets what?

A Elbert Moore. When funds were first made available back in 75 and 76 the \$137,000,000 was pretty well divided on the formula of land and population. Then the emphasis shifted from making funds directly available on the basis of land and population to where the needs are. EPA put together a list of national needs. Examples are urban run-off, agriculture, and forestry. So those kinds of problems are given a very high priority for funding. That does not mean that other kinds of problems can not be addressed if the statewide areawide agents can make a good case for why they want to look at them. Those kinds of projects are still very much eligible. So,

yes there is competition between regions, and we must demonstrate to our headquarters office that we have certain kinds of water quality needs here that are quite different from other parts of the country, that we are largely in a prevention kind of mode and in many ways that's pretty difficult to sell where there are a lot of serious nonpoint source problems in the mid west and agriculture, for example. But we have been reasonably successful in getting a reasonable amount of the national allocation for this region.

Q LeVake Renshaw. On your little graph you specify nonpoint source specialists for forestry, agriculture, runoff, etc. Do you also then, within the region, maintain some in-house expertise in mining?

expand
A Elbert Moore. Yes, a regional geologist. He has expertise in mining, and we consider him to be our mining expert. If there are any water quality related kinds of problems associated with mining he would be our first technical resource person from the regional level. He's not a mining engineer, but he does have expertise related to water quality kinds of impacts and problems and so on, from mining.

C Janet Kowalski. In our Alaska Operations Office we have a guy who is a specific expert on placer mining and has received national recognition in this area. He's been working with placer miners and on placer mines primarily from the permit point of view. He's working now with the 208 program because we're looking at an upcoming mining season, we're expecting to be flooded with all kinds of new people out there so he's been very helpful in working with us, the planners, in trying to figure out a way of getting out of the regulatory mode and into a technical assistance kind of mode where we're trying to figure out what we can tell the miners to do with their practices in order to meet the Water Quality Standards as opposed to just regulating and siting them for a violation if they don't meet the standards.

Q LeVake Renshaw. In this program there is only one local government in Alaska that has independently participated. I was wondering why there was only one local government involved with the 208 process and secondly could a local government still petition into the program.

A Elbert Moore. Yes. The response to the first part of the question about why we only have one areawide agency in Alaska, is the right after the statute was passed in 1972 governors were asked to designate areawide planning agencies. Those agencies normally petition the state to be designated. The governor had to sign off on the designation before EPA would approve it. The Municipality of Anchorage was the only area, the only local unit of government to petition the state to be designated an areawide planning agency. There is still an opportunity for areawide agencies to be designated now. They would have to petition through the governor.

Q Charles Johnson. Your talking about a statewide study, at least in the case of Alaska. You say that you're going to identify potential problems as well as water quality problems, and that the planning agency must have a commitment to solving the problem, or that agencies must commit to implementing solutions. How do you get to that point? I can see how you get to identifying the problem, but how do get somebody to commit to solving the problem?

A Elbert Moore. In many of the areas that we are addressing, a lot of the technical solutions are pretty well understood. In many cases what the 208 planning program will do is begin to deal with some of the institutional problems, and making sure that public support is built for a control program if a control program is needed for things like forest practices rules and regulations. In many ways that's how the 208 dollars are used. We can't commit to something that we don't know what the final solutions ought to be at this point. In many instances in the past, planning has gone on and the plans are set on the shelf. If it clearly appears on an economic and public support basis that a solution is not reasonable or economically feasible, then we're certainly not suggesting that those things must be implemented anyway. If you start addressing something and find out down the way that there really is not a problem, you don't need to continue. That's good information to know. We're not going to suggest that you develop a regulatory program if there is not a problem. The intent is to say that if there is a problem you ought to understand up front.

Q David Vanderbrink. What's your hammer?

A Bob Martin. The next round of funding.

C Elbert Moore. The statute suggests some other things like cutting off other funding, but realistically the basic hammer is that if a planning agency is not doing what they said they were going to do, and if it appears to be economically feasible, and there's good public support for it, but they are just dragging their feet in terms of implementation or following up on the solutions that have been identified, the basic hammer we have is not to continue to fund that agency to come up with some more plans that are not going to be implemented. That's basically what we have done, we've just put the money some place else where agencies are really addressing problems and implementing solutions.

Q Wayne Westburg. What's your evaluation of the Alaska situation to date?

A Elbert Moore. Generally the feeling is that the municipality has done a good job. They had a lot of ideas on solutions to the problems they addressed (like urban runoff and snow disposal). We're largely dealing with a well established municipal government, they are planning agents and they are also implementing agencies. On the state level its a little bit different, the kind of problems that the Department of Environmental Conservation addressed initially are very tough problems. Not just from the technical standpoint

but politically, and public support wise. They began the 208 planning program addressing forestry, waste oil, placer mining, and transportation corridors. These are a lot more difficult to put into this well defined sort of structure in terms of implementation. We've had some difficulties. Basically what the state committed to do was put together some kind of an action plan for addressing those problems and they've run into a lot of difficulties.

C Bob Martin. In a lot of regards its been a controversial sort of a thing, there are things we've put down on paper in the past that we found later on to be totally unrealistic. We've had to modify some of those tasks and we've mapped out four things that we need to do to complete the first grant.

Q LeVake Renshaw. At this point then has EPA accepted the work plan for the 3rd grant?

A Elbert Moore. Yes, we have approved that work plan. But the document that we have not approved is the water pollution control plan. That was submitted as the state's water quality management plan for the categories that they addressed for the first grant. We are still in the process of taking action on that.

Q LeVake Renshaw. So you don't know whether you're going to approve it at this point or not. Are you happy with it?

A Elbert Moore. We have those four conditions so there are some problems with it.

C Glenn Akins. The basic problem is that DEC does not have the authority to carry out an implementation program for something like this. The Municipality of Anchorage with their planning and zoning authority can deal with a lot of things that the state just does not get involved with.

Q Peg Tileston. Is there any interaction or relationship between what the municipality is doing and the state's program or are they two separate operations?

A Bob Martin. They are fairly separate although Anchorage has a policy advisory committee just as the state has, and we have representation on their advisory committee.

Q Peg Tileston. They don't have it together yet. I would differ in terms of how well together the municipality has their act.

A Bob Martin. I attended my first session of that Anchorage Policy Advisory Committee last month. It was probably not as good a public advisory committee as EPA would like to see but that PAC is our main point of contact. We at the state level know who the Anchorage staff people are, we talk to them quite a bit on the various issues that are emerging in Anchorage.

Q Peg Tileston. As far as this advisory committee is concerned we are looking at non-Anchorage situations?

- A Bob Martin. Right, everything other than the designated Anchorage area.
- C Elliot Lipson. We do have other responsibilities to the municipality, for example, when they submit a work plan for funding it has to be approved by us before EPA will even consider it. The plan that they developed for their first grant had to be certified through us by the Governor before it could be sent to EPA for approval. So we do have some bottom line responsibility on their program.
- Q Charles Johnson. I briefly read the act and it seemed like there were some specific actions that needed to be taken on various pollution type activities. You have to do them, and then you have to bounce them off the policy board to see if that's what the public wants to do but the act says you have to do it anyhow. What can we do other than sit and listen to you guys?
- Q Bob Martin. We are not intending to present the board with anything that you don't have an ability to influence. We will try to present you with options on how we do things such as the placer mining of forest practices activities we're engaging in. I'm confident that whenever we do come before you with those kinds of things there will be some real decisions to be made that you can definitely influence one way or another in terms of how we handle those particular activities. There are some things in the act that we don't have any choice about doing so there's no point in bothering people and trying to let them think they have a decision making responsibility in things that were mandated to us.
- C Elbert Moore. Although there are some things that are required in the regulations and statutes, there is still considerable flexibility in terms of the kinds of problems that are addressed, in terms of the kinds of solutions that are developed by those problems. I would see a real role for this kind of thing in problem identification, in assisting the state as they try to define and refine the solutions to the various kinds of problems that they've already identified and are already working on. Their along ways away from having a state action plan or statetgy while addressing those problems that we have funded them for, like sludge disposal and onsite waste. They know basically how they want to go about addressing the problem but they are not sure at all now just what the final solution will be, they have the framework laid out in the work plan but there is still a lot of opportunity for input, modifying and shaping in order to find a solution to some of those problems.
- Q Charles Johnson. If this group as a policy committee, decides that some solution is the best way to handle something giving all the parameters and all the conditions, is that the kind of guidance your looking for?
- A Bob Martin. Sure, we have responsibility for the program so we'll be making the decisions, but we're certainly going to have to rely very heavily on knowledgable people throughout the state to give us advice as to whether the solutions that we're coming up with are

going to really accomplish anything and if a board such as this came to us with a very direct and strong feeling about some of the options that we might be facing, I think that would weigh extremely heavy in our final decision.

- C Glenn Akins. The program has been affected in the past by citizens' influence as far as changing a study. This has already occurred.

Bob Martin explained that the 208 program was located in the Water Quality Management Section, of which he is the chief, and Elliot Lipson is the 208 program manager. Responsibility for the program is with the central office but the regional offices will handle the day to day management of the various tasks. Bob is the Board's contact person and is responsible for sending information and materials, and providing staff support. Minutes of the PAC meetings will be prepared in the same format as Water Resources Board minutes. Separate agendas for the two meetings will be prepared.

Discussion of the committee's involvement with EPA followed:

- Q Dave Vanderbrink. What is our relationship with EPA? Will they continue to be at meetings?
- A Bob Martin. Yes, they will continue to be involved.
- Q LeVake Renshaw. If we disagree with you on an issue, and perhaps pass a resolution, do we send it to EPA? Are we also the PAC for EPA?
- A Bob Martin. The PAC is not for EPA, only for the State.
- Q Charles Johnson. How do we get things done? What channels do we go through?
- A Bob Martin. If there is a problem with EPA or others you would go through our Commissioner, or the Governor.
- C Elliot Lipson. If there is a problem with us, we'd want to hash it out with you.

BREAK 10:20 - 10:40

The meeting continued with Kate Graham of DEC's public information office. Two-thirds of her position is funded by 208 money and her time is spent that way. She gave a summary of the progress of the 208 public participation program.

Major Points

- * The first grant public participation funds were intended to establish local water quality planning groups, however community interest was poor. Four contracts were awarded:
 - 1) To Alaska Center for the Environment. This contract was cancelled due to personnel problems.

- 2) To Fairbanks Environmental Center - also cancelled, as work was done by a volunteer and when she left, it took months to replace her.
- 3) To Nunam Kitlutsisti - this contract was very successful. Products from this contract included, brochures on water quality in rural Alaska and oil spill prevention in rural Alaska, a poster giving oil spill reporting information, a video tape and slide show that were shown in more than 50 villages in the Calista Region.
- 4) To Alaska Municipal League. Questionnaires on water quality problems were sent to local governments and public meetings were held in 6 communities on water quality problems.

- * The public participation work plan for the 3rd grant will be more directly related to the technical aspects of the program.
- * Would like ideas from the Board on how to get information to and from the public.

Janet Kowalski of the Alaska Operations Office of EPA continued to talk about public participation and gave EPA's expectations of a policy advisory committee.

Major Points

- * EPA's regulations define the role of the PAC as giving advice and recommendations to decision makers.
- * PAC's primary responsibility is to represent the public, decide what the public interest is, and inform and motivate the public.
- * Goals and objectives include not only increasing public knowledge but promoting coordination and cooperation between EPA, DEC, communities and other agencies.

There were no questions regarding the public info/participation program.

The meeting continued with testimony from Linda Perry Dwight, who was one of the contractors on the 1st grant technical studies. She was concerned about 208 progress.

Major Points

- * Specific objectives of each work element need to be clearly defined prior to contract award.
- * The Phase I technical studies needed review by people who had technical expertise in particular areas. Although a Technical Advisory Committee (TAC) was formed, it was never formalized.

- * The drafts of the reports were insufficiently distributed, not enough copies were available, and poor records were kept of people who did receive copies.
- * Not enough information was available on what other states were doing in their 208 programs.

Ms. Dwight's recommendations to the PAC were:

- * Participate in plan development, making sure the elements contain clearly defined, achievable objectives.
- * Insist on a work schedule, so products can be reviewed prior to meetings.
- * Participate in product review, recommend additional technical review if the expertise does not exist within the PAC.
- * Ask for testimony from affected groups.
- * Encourage continued publicity about the program.
- * Develop by memorandum of agreement or other mechanisms among state agencies and other groups to implement the BMP's.

Ms. Dwight had discussed these problems with DEC staff early on, however, at the time the program was still in the developmental stages and she talked to different people each time. The staff is now larger and organized.

Wayne Westburg made a motion that Ms. Dwight prepare her testimony on paper and send it to the Board. The motion was seconded by LeVake Renshaw.

Bob Martin responded to Ms. Dwight's testimony. He stated that in general he agreed with her, that she had raised some important issues, and he appreciated her comments. Some of the initial problems with the program were due to growing pains, the program was being developed. To help solve some of these problems the following were steps DEC would be taking:

- * The scope of work in future contracts will be defined more clearly.
- * More technical expertise will be used when reviewing future products.
- * Interagency agreements will be encouraged.

Following this, Elliot Lipson discussed the beginnings of the 208 program in Alaska and explained each grant in more detail.

Major Points

- * The first grant began the first water quality planning program in Alaska. \$956,000 was granted from EPA in the summer of 1976. (All grants are matched 25% by the State). The tasks under this grant

were technical studies on waste oil, placer mining, timber harvest, transportation corridors, and village sanitation. EPA lacked experience in Alaska concerning contract work and because of this the contracts for this grant were all underfunded and the studies suffered because of this.

* A summary was written of the work done on the 1st grant (titled Alaska Water Quality Management Plan for Non-Point Pollution Sources) and sent to EPA for approval. EPA has set out four conditions before they will approve the plan:

1. Agreements with the U.S.F.S. and BLM concerning the handling of forest practices. EPA is cooperating with DEC in getting these agreements finalized by May 1, 1980.
2. Develop best management practices manual for transportation corridors. A draft is complete and the manual should be finalized by May 1, 1980. These are to be used by agencies that are less familiar with transportation planning aspects, in their review of projects that DOTPF proposes.
3. Agreement between DEC and DOTPF concerning transportation corridors, to assure that state water quality goals are not violated.
4. Develop a state placer mining strategy. A draft work plan is completed and a demonstration project is being discussed.

Discussion of these four stipulations followed.

Q Fred Boness. Does it look like EPA is going to accept the way the State is headed?

A Bob Martin. Yes, they've been involved all along.

Q LeVake Renshaw. All these projects except waste oil are dealing with soil disturbances and the effects on water quality. Why can't there be one set of BMP's on the effects of sedimentation on receiving waters?

A Bob Martin. The focus of BMP's in each of these areas is what kinds of techniques and operations the actual operators should be using.

C LeVake Renshaw. But you're seeking to dictate how and not what. Industry is in the best shape to determine how to meet an objective. Most 208 money has gone to educate your staff, in these areas of commercial enterprise. Early on there has been a reluctance on the part of your agency to pull in the people most knowledgeable with these programs. As a consequence, you haven't been getting the information you seek.

- C. Elliot Lipson. This is the consequence of EPA's policy, which is in all cases, regulatory approaches are preferable to voluntary approaches.
- C. Bob Martin. One of the rationales for trying to look at the industries' practices and their operations is that one of the complaints against environmental agencies has been that they develop standards and regulations, and tell industry what to do, but not how to do it.
- Q. Charles Johnson. Since this committee is a product of EPA, if we wanted to discontinue a certain project, would EPA approve that?
- A. Elliot Lipson. Not likely.
- C. Charles Johnson. I keep getting the feeling that all we are going to do is rubber stamp everything EPA has said DEC has to do anyway.

The meeting adjourned for lunch at 12:05 and resumed at 1:45.

Elliot continued by explaining the 2nd and 3rd grants.

* The 2nd grant was \$220,000 from EPA in May 1978.

* Projects included:

- funding part of the Water Quality Standards Revisions
- a study of whether the State should assume the federal NPDES program. This study is complete, however no decision has been made yet, although EPA would like us to take it over. The Board would like a copy of the study, as their input would be helpful in making a decision. A conference call between Board members will be set up to discuss this
- initiated a project on water quality data acquisition and management, tied in with water quality problem identification and assessment. This project will continue under the 3rd grant.

* \$40,000 went to the public participation program

* \$18,000 went to the Municipality of Anchorage to hire a 208 program manager six months earlier than scheduled

* Grant ends May 15, 1980.

Third grant information:

* Approximately \$103,000,000 (both federal and state) beginning in January 1980 and continuing for 3 years. The grant was awarded on the basis of six projects:

- continuation of the water quality data management and assessment project, developing a monitoring strategy

- technical guidelines for on-site waste disposal alternatives
- technical guidelines on sludge disposal for both educational and decision making purposes
- data processing system
- develop a watershed protection handbook to be a joint effort with Community and Regional Affairs
- a waste oil demonstration project in a yet to be selected community.

An application is being prepared for a fourth grant for approximately half a million dollars over a two-year period.

* The four tasks under this grant will be:

- a placer mining demonstration project
- an analysis of effects of agricultural activities on water quality and development of best management practices
- a forest practices training program
- an industrial sludge study which will be a continuation of the third grant sludge study project.

* Detailed work plans are being developed on each of these tasks for submittal to EPA by the end of March.

Discussion of these tasks followed:

LeVake Renshaw commented that one placer mining demonstration project in a particular area would not necessarily be representative of other mining areas. Charles Johnson felt that it was important to include in the sludge study those sludges from fish processing. This would be included depending on how far the funds go. The first sludges to be studied would be those produced from pulp mills.

Kate added public participation information on the third grant tasks. The program will include space in newspapers, mail-outs to interested persons, public workshops to be held in 5 or 6 communities, and creation of technical advisory committees for these tasks. The data management study will not include any public participation program, it will be an in-house study.

The Board made suggestions on the public participation program:

- * that workshops be held after the contractors are chosen, so that if the scope of the contract is changed it will be done after contractors respond to the RFP, and so the contractor will benefit from the workshop also.
- * When trying to get people involved, contact those publics that will be effected by the tasks, i.e. for the on-site waste and sludge disposal, contact plumbers, excavators, well drillers, etc.

Dem Cowles asked the Board for feedback on the 208 technical studies, were they useful and readable? Suggestions from the Board on how to improve any written report included making any deadline for comments very obvious so that they won't be missed, have a summary of the document included with it, and keep all reports as brief as possible. The Board would like to receive drafts of all documents if possible.

He also wanted the Board to consider how the 208 process can be used for environmental planning for bush problems, and ways of solving them.

The next PAC meeting was tentatively scheduled for the end of June concurrent with the Water Resources Board meeting.

After final comments the meeting was adjourned at 4:28.