

Sophia Tidler, PE

Comments on ADEC's Proposed Regulations for a Hazardous Waste Program

9/14/23

MAIN TAKEAWAY:

Copying and pasting the EPA's regs into the State's regs creates a major void for the means and methods to mitigate the unique issues facing the only arctic state in the U.S.

PRIMARY SUGGESTION:

18.AAC 62.280 - EMERGENCY PREPAREDNESS AND RESPONSE...

There are about 10 villages facing relocation due to erosion, flooding, and permafrost degradation, and about another 150 villages with identified waste erosion sites (see WEAR) that require mitigation and/or retreat. I expected language in this section regarding what the role of the state is. Right now, it seems as though no state or federal government agency is willing to take responsibility for these decommissioning projects. Consequently, we are inadvertently releasing and, via inaction, intentionally planning to release hazardous pollutants into our rivers and oceans. These pollutants originate from building materials, sewage drain fields, septic systems, honey bucket lagoons, landfills (including plastic, appliances, and electronic waste), fuel tank farms, electric transformers, and more. This poses a significant threat not only to the environment but also to the subsistence livestock and local communities.

Recommended Example Language:

“Hazardous secondary material generated through state funding contracts (e.g., school facilities) that face critical threats from rapid erosion, flooding, or permafrost degradation will be directed under the XXX Program* for transporting, recycling, and/or treatment.”

* I believe that this major issue warrants the creation of a state program, such as the **State of Alaska Decommissioning Program**. This presents an opportunity to establish trust and synergy among Tribes, Villages, Cities, and other active federal (or federally-funded) partners, such as ANTHC, BIA, Corps, Denali Commission, EPA, FEMA, NOAA, etc. It's also a chance for the state to take responsibility for a significant issue affecting native communities. Neglecting this responsibility poses a significant environmental justice concern. We cannot simply relocate or retreat these communities and allow their waste to enter the environment they depend on for subsistence. Unfortunately, that appears to be the current plan.

OTHER SUGGESTIONS:

- Article 2 – include “co-generator”?
- Article 3 title confuses me – is this for generators or transporters?
- 18 AAC 62.330 – is there potential for use of international disposal facilities? If so, what is the guidance?
- 18 AAC 62.351 – Alaska is unique. Will this section be expanded to include backhauling/barging special criteria or some language indicating recognition of Alaska's unique position and methods required for transboundary movement?
- 18 AAC 63.360 – Are hospitals included in this section – where is medical hazardous waste included?

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- 18 AAC 62.502 – Have you been in contact with ANTHC DEHE ARUC (as well as VSW) to review/facilitate compliance? Will there be additional language regarding notification and coordination with the rural utility programs?
- 18 AAC 62.632 – What is the plan if the site being “closed” is being taken over by an ocean or a river? – See Shishmaref old landfill. Can we require facility closures to include complete removal in these scenarios?