

Environmental Laws and Regulations

The Alaska Department of Environmental Conservation (DEC) has adopted regulations and policies concerning the cleanup of contaminated sites, but other laws and regulations — federal, other state and local — may also apply. This fact sheet discusses some of the major laws which must be followed during cleanup of contaminated soil and groundwater if site conditions require it. For more information on these laws, contact your project manager who can help put you in touch with the correct people at each agency or program. DEC's contaminated site regulations are covered in another fact sheet in this series.

Federal Laws

The *Comprehensive Environmental Response, Compensation, and Liability Act* (CERCLA) outlines a cleanup process by which sites contaminated with certain hazardous substances must be cleaned up. These sites are the nation's most polluted sites and are included on the National Priority List (NPL). CERCLA created a "Superfund" to pay for cleanup of abandoned contaminated property. However, most NPL sites are cleaned up by the individual(s) or company(s) responsible. The U. S. Environmental Protection Agency (EPA) is actively involved in cleanup of NPL sites, and DEC's Contaminated Sites Program is also involved to see that the cleanup meets state standards. CERCLA governs only certain contaminants, including heavy metals, pesticides and PCBs — it does not cover oil and some other contaminants, for which state regulations apply. There are seven NPL sites in Alaska. The CERCLA cleanup process is also used by other federal agencies, including the U.S. Forest Service and the Department of Defense.

The *Clean Water Act* (CWA) affects work in, or discharges to, wetlands or waterways. If a cleanup requires dredging material out of wetlands, or filling wetlands, a permit may be needed. Some wetlands are obvious, such as marshes or swamps, but other land can be wetlands as well. The Army Corps of Engineers

will help determine if site activities will affect wetlands, and it issues permits for work in wetlands and waterways.

A CWA permit also is required when material is discharged into a waterway or a wetland during a cleanup. Permits are needed for many types of discharges, such as dewatering a hole during a tank removal or site cleanup or the discharge of wastewater from a treatment system.

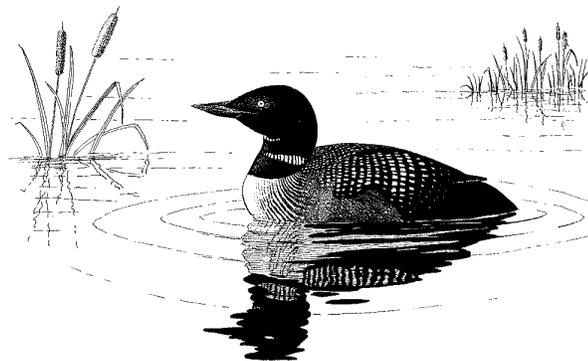
The *Safe Drinking Water Act* (SDWA) sets maximum allowable levels for several contaminants in drinking water. These standards apply to sites where the contamination could get into drinking water. In Alaska, DEC's drinking water regulations apply.

The *Resource Conservation and Recovery Act* (RCRA) governs the management and disposal of solid and hazardous wastes. When there is waste on a contaminated

site, RCRA requires that the waste be characterized to determine if it is hazardous. If it is hazardous, it is shipped to a facility in the Lower 48 that is permitted under RCRA to receive and properly dispose of the waste. EPA must be contacted if there is hazardous waste on a site; DEC does not administer this federal program. Examples

of hazardous waste covered under RCRA are lead from automobile/boat batteries and waste oil.

The *Toxic Substance Control Act* (TSCA), administered by EPA, governs the removal and disposal of a few specific substances, and soil, water, or other substances that have been contaminated with these substances. In Alaska, these substances include polychlorinated biphenyls (PCBs — see back page for more information) and asbestos. Sites contaminated by TSCA-regulated chemicals can have special sampling, cleanup, and disposal requirements.



Fish and Wildlife Protection. Several federal fish and wildlife laws may apply to a contaminated site cleanup. These include the *Endangered Species Act*, which requires threatened and endangered species living on or near the site to not be disturbed; the *Migratory Bird Treaty Act*, which protects many bird species; the *Marine Mammal Protection Act*, which protects marine mammals from disturbance; and the *Anadromous Fish Conservation Act*, which protects fish that move from saltwater to fresh water to spawn. Alaska's state fish and wildlife protection laws also apply to site cleanup activities.

State Regulations

DEC *solid waste regulations* (18 AAC 60) govern the accumulation, storage, and disposal of solid wastes. These regulations specify permit requirements for landfills and the types of waste landfills can accept.

Alaska's *wastewater disposal regulations* govern the discharge of wastewater to both the land and water. A permit is required for most discharges.

Underground Storage Tank (UST) regulations govern the proper installation, maintenance, record keeping, and removal of some types of USTs, and soil cleanup associated with leaking underground storage tanks. Most home heating oil tanks are not included in these regulations.

Local Regulations

Many communities and boroughs also have laws that apply to site cleanups. These ordinances may affect the noise levels allowed on the site, dust suppression, and open burning standards. Contact the local city or borough offices to find out more about these laws.

PCBs: polychlorinated biphenyls were commonly added to oils used in some electrical and other types of equipment as lubricants and insulators. PCBs don't break down easily and build up in the fat of fish, animals and people. Manufacture of PCBs was banned in the US in 1976.

Reference List

This list shows where to find each of the regulations mentioned in this fact sheet. Each reference is to the Code of Federal Regulations (CFR) or the Alaska Administrative Code (AAC).

CERCLA:	40 CFR 307
CWA:	40 CFR 104-140
SDWA:	18 AAC 80
RCRA:	40 CFR 260-280
TSCA:	40 CFR 761
Endangered Species Act:	50 CFR 17, 401-424, 450-453; 18 AAC 92.800
Migratory Bird Treaty Act:	50 CFR 10.13.
Bald Eagle and Golden Eagle Protection Act:	50 CFR 22
Marine Mammal Protection Act:	50 CFR 16, 218
Anadromous Fish Conservation Act:	16 AAC 840
Solid Waste:	18 AAC 60
Wastewater Disposal:	18 AAC 72
USTs:	18 AAC 78
Contaminated Sites cleanup:	18 AAC 75

This fact sheet is one of a series of free publications prepared by DEC to help people understand contaminated site cleanup issues. The others can be found at www.dec.state.ak.us/spar/faq.htm#csp

For More Information

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