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February 11, 1994

Donald Herring  
Engineering and Safety Services Division  
National Park Service  
Mail Stop 2431  
Washington, D.C. 20240

Dear Mr. Herring:

The State of Alaska has reviewed the proposed rule at 36 CFR Part 6 concerning *Solid Waste Disposal Sites in Units of the National Park System*. This letter represents the consolidated comments of the State's resource agencies.

Overview

The State of Alaska objects to the implementation of these regulations as currently applied for the following reasons:

- \* Application of these regulations to non-federal lands within park units in Alaska is not consistent with the Alaska National Interest Lands Conservation Act;
- \* Solid waste disposal sites on non-federal land are already adequately and properly regulated and permitted by the Alaska Department of Environmental Conservation; and
- \* These regulations are not designed to address the unique social and environmental conditions in Alaska.

The State recommends that these regulations be revised to apply only to federal lands within the boundaries of units of the National Park System in Alaska.

Consistency with ANILCA

The Alaska National Interest Lands Conservation Act (ANILCA) states up front that regulations affecting park units in Alaska should not apply to non-federal lands within the boundaries of such units.

Specifically, Section 103(c) of ANILCA says:

Only those lands within the boundaries of any conservation system unit which are public lands (as such term is defined in this Act) shall be deemed to be included as a portion of such unit. No lands which, before, on, or after the date of enactment of this Act, are conveyed to the State, to any Native Corporation, or to any private party shall be subject to the regulations applicable solely to public lands within such units.

In light of this explicit direction for Alaska, it is clearly inappropriate for these proposed regulations to apply to "all lands and waters within the boundaries of all units of the National Park System, whether federally or non-federally owned..." (Section 6.2 *Applicability and Scope*). While there may be some basis for application of these regulations to non-federal lands in other states, Section 103(c) of ANILCA clearly demonstrates that Alaska's non-federal lands must be exempted from such an extension.

#### State Regulatory Process Already In Place

The Alaska Department of Environmental Conservation (DEC) already has a body of regulations and permitting procedures which address solid waste disposal on all non-federal land in Alaska. The basic objectives of the proposed rule at 36 CFR Part 6 essentially duplicate those in State regulation. In some instances, the state's regulatory process is even more restrictive than the federal regulations. Furthermore, DEC has embarked on a program to re-evaluate the State's solid waste disposal program to bring it into compliance with recent changes in the federal program.

The current federal administration has stressed the need to "re-invent government" to eliminate waste and reduce duplication. Reducing the scope of these regulations to parklands is consistent with this laudable goal. In view of the adequacy and responsiveness of the State's program, there is no justification for a duplicative set of guidelines, which will lead to unnecessary effort and public (as well as administrative) confusion.

#### State Program Responsive to Alaskan Conditions

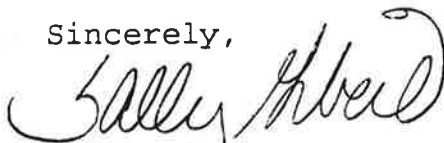
By many measures, Alaska is unique. The northern latitudes present vastly different climate and soil conditions; small and medium-sized settlements located in non-roaded remote areas create unusual challenges for waste disposal; expansive park units in Alaska completely encompass entire communities and vast areas of non-federal land. Application of nationwide regulations governing the details of solid waste disposal cannot be responsive to these unique conditions. These reasons alone dictate that Alaska merits

special attention. The State of Alaska is, therefore, the appropriate entity to manage solid waste disposal on all non-federal land in Alaska.

To conclude, the State urges the National Park Service to exempt non-federal lands in Alaska from this proposed rule to be consistent with ANILCA, to avoid duplication, and to provide for Alaska-specific conditions under the State's solid waste disposal program. We believe the current state program is adequate for meeting the Service's objectives. In addition, DEC would be willing to work with the National Park Service to consider specific modifications to the state program during the current re-evaluation effort if the Service wishes to make recommendations.

Thank you for the opportunity to provide these comments. If you have any questions, please call me at 907-561-6131, or James Weiss of the Department of Environmental Conservation at 907-563-6529.

Sincerely,



Sally Gibert  
State CSU Coordinator

cc:

John Morehead, Regional Director, NPS  
Harry Noah, Commissioner, Department of Natural Resources  
Carl Rosier, Commissioner, Department of Fish and Game  
John Sandor, Commissioner, Department of Environmental  
Conservation  
Bruce Campbell, Commissioner, Department of Transportation and  
Public Facilities  
Richard Burton, Commissioner, Department of Public Safety  
John Katz, Governor's Office, Washington, D.C.