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White House proposes Clean Water Initiative

Far-reaching plan will greatly increase role of Clean Water Act

President Clinton recently announced a new $568 million Clean Water Initiative that will greatly increase the role of the Clean Water Act in resource development activities in Alaska and elsewhere.

The Clinton Administration bills its “Clean Water Action Plan” as a blueprint for protecting America’s water resources. The plan builds on the existing Clean Water Act (CWA) and proposes aggressive new actions to strengthen and expand environmental regulations.

The plan calls for addressing water quality issues through a watershed approach with a dominant emphasis on non-point source pollution, wetlands and watershed assessment and restoration.

“This is much more than an initiative that is written by the government and then put on the shelf to gathering dust. Many of the elements in this plan are already here like watershed assistance grants to environmental groups, more regulatory focus on private land and the moratorium on new road construction in roadless areas of the National Forest System.”

- John Sturgeon, President, Koncor Forest Products

The plan outlines ten principles for restoring and protecting America’s water resources with a strong link between water quality and resource development activities. The plan states that “natural resources — croplands, forests, wetlands, range land and riparian areas — are the building blocks of most watersheds” and watershed health “is a reflection of how well those natural resources are cared for.”

The initiative calls for a 35 percent increase in federal funding for FY 99. The Administration claims the $568 million increase in the federal water program, as well as a $115 million increase for state non-point source programs, fit into the overall balanced budget.

The White House’s Clean Water Action Plan is just the beginning of a long-term effort by federal agencies to implement far-reaching watershed protection measures.

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New water plan proposes aggressive new measures, expands regulations

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quality regulations. Many details of the program are still unknown, but some elements of the plan are raising concern throughout the regulated community. Critics say the plan contains vague goals and could block development projects some perceive to be a potential threat to the nature and pristine or sensitive areas of a watershed. They also disagree provisions in the plan that would funnel tax dollars to environmental advocacy organizations.

"This is much more than an initiative that is written by the government and put out to gather dust," said John Sturgeon, President of Anchorage-based Koncor Forest Products. Sturgeon said the elements in this plan are already here like watershed assistance grants to environmental groups, more regulatory focus on private land and the moratorium on new road construction in roadless areas of the National Forest System.

The plan calls for the federal government to increase financial and technical assistance to states, local governments and others, including environmental organizations, to advance watershed protection strategies. The funding would come in the form of "watershed assistance grants" to organizations that cooperate with the federal regulatory agencies in building local efforts to restore and protect watersheds.

The initiative also includes new measures to preserve natural resources, strengthen storm water runoff controls, increase the nation’s "no net loss" wetlands policy into an annual 100,000-acre "net gain" wetlands program.

In addition, the initiative would establish by 2002 more than two million miles of conservation buffers to reduce

The new Clean Water Initiative will increase the role of the Clean Water Act in all resource industries. The initiative calls for addressing water quality issues through a watershed approach. Pictured above is the Usibelli Coal Mine at Healy.

pumped runoff. It also calls for federal regulators to relocate and improve water quality protection for 2,000 miles of roads in the National Forest System per year through 2005 and decommission or obligate 5,000 miles of Forest Service roads per year by 2002. It also calls for a new unified policy to enhance watershed management on all federal lands.

Shift to non-point pollution

At the core of the new federal initiative is a move away from point to non-point source pollution. Point pollution includes pollutants traced to a specific point such as a factory discharge water pipe while non-point pollution comes from widespread, dispersed sources. For example, non-point pollution would include the oil that drips from cars, fertilizer that runs off from yards throughout a community and silt in streams originating from various human activity, including agriculture and forestry. Government regulators have a much more difficult time pinpointing the actual location of non-point pollution.

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The EPA’s current jurisdiction applies only to direct dischargers, or point sources of pollution, and do not directly cover the other activities that result in polluted runoff. As a result, EPA does not have the statutory authority to establish enforceable controls for non-point sources, and has instead pursued voluntary measures with states and industry to curb non-point pollution.

In Alaska, non-point pollution resulting from forestry has been regulated through mandatory Best Management Practices (BMPs), a proven method to control pollution.

Under the new plan, the EPA would work with states in developing "appropriate" state enforceable policies and mechanisms for non-point sources. The EPA would issue guidelines describing models of enforceable authorities. The initiative would also allow EPA to revise CWA permit regulations and anti-degradation regulations as they apply to non-point source activities.

"The new plan seems to focus on non-point pollution sources such as forestry in a manner similar to point sources such as factories," said Geoffrey McNaughton, Environmental Engineer at Koncor Forest Products. McNaughton explained that several attempts have recently failed in court to regulate for- estry as a point source. However, he said "the new initiative may blur the distinction between point and non-point sources by yielding similar regulations for both categories." If the Clinton Administration plan is successful, nearly all environmental laws, regulations, policies and other natural resource industries could have greater federal influence.

"It’s not as if we’re running wild," McNaughton said. "The Alaska forest products industry is already highly regulated, governed by state regulations which enforce BMPs to control non-point pollution."

According to the Competitive Enterprise Institute (CEI), the EPA has been displeased that the Clean Water Act and its reauthorizations have never given it the authority to go after non-point sources.

The CEI has taken the federal government to court several times to try to impose controls on non-permitted sources, but each time its attempts to enforce the Clean Water Act were rebuffed.

"The new initiative may blur the distinction between point and non-point sources by yielding similar regulations for both categories," McNaughton said. "The Alaska forest products industry is already highly regulated, governed by state regulations which enforce BMPs to control non-point pollution."

The CEI report claims that wetlands losses have been steadily falling over the past ten years while non-regulatory programs designed to restore wetlands have resulted in a sharp increase in wetlands.

According to the most recent National Resources Inventory (NRI), wetlands lost due to agricultural conversion, formerly the number one source of wetland loss, has slowed to a trickle. The U.S. as a whole lost roughly 141,000 acres of wetlands in 1985, while at least 187,000 acres were restored.

"Given the current success of wetland restoration programs and the decline of wetland losses, there is little doubt the nation as a whole has exceeded its expectations of net loss," said Jonathan Tolman, author of the report. "Wetland restoration programs appear to be a more cost-effective method of conserving wetlands than regulatory programs."

Watershed Assistance Grants

Another troubling aspect of the new Clean Water Initiative for the regulated communities is the creation of new watershed assistance grants. Under this provision, federal agencies provide discriminatory grants to local organizations that want to take a leadership role in building local efforts to restore and protect watersheds.

These grants, according to the EPA, will ensure that local communities and stakeholders can effectively engage in the process of setting goals and devising solutions to restore their watersheds. While the watershed assistance grants may appear to be a new source of funding for private organizations, the EPA’s latest move to help boost the National Environmental Conservation (ADEC) already grants federal funds to local organizations for "citizen monitoring programs." This move was awarded $312,500 for citizen monitoring projects in Alaska this year. The funding represents 45 percent of the total of $693,000 in non-point source pollution research grants for 1998.

In a memorandum to House Speaker Jim Philip and other fellow colleagues, Representative Pete Kelly (Continued to page 6)