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## **Borough Assembly opposes mixing zone revisions**

**By HAL SPENCE**

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Changes to state water quality standards under consideration by the Alaska Department of Environmental Conservation have drawn the attention of the Kenai Peninsula Borough Assembly, which Tuesday passed a resolution opposing revisions to the regulations governing mixing zones in salmon-bearing streams.

Mixing zones are areas where waste water from industrial and sewage-treatment facilities are flushed into waterways where they are diluted. Existing state standards prohibit mixing zones in areas of anadromous fish spawning because of concerns for the fish habitat.

The state has proposed changes that would allow wastewater discharges from industrial and sewage facilities into such streams, rivers and other waters capable of supporting spawning or rearing of various fish species. Under the proposed changes, mixing zones would be approved only if evidence showed the zone would not adversely affect the habitats ability to support fish incubation and rearing.

Assembly member Milli Martin, of Diamond Ridge, raised concerns that the proposed new standards may not be strict enough to protect the fish, fish critical to the economy of the Kenai Peninsula and Alaska.

"There is concern that allowing mixing zones in anadromous streams may have unforeseen physical results on the fish as well as negative impacts on the marketability of Alaska's wild seafood," she said in a memo to the assembly.

She noted the borough's ongoing support for the Cook Inlet Salmon Branding program, Kenai Wild, and its dependence on the ability to market local salmon. As the Resolution 2004-087, which she wrote, pointed out, allowing mixing zones in the streams "would impair the efforts of Cook Inlet sport and commercial fishers and processors to promote Cook Inlet wild salmon as clean, fresh and healthy."

The assembly voted unanimously to support the resolution that urged ADEC not to adopt the proposed standards. The resolution actually adopted was a substitute measure that added provisions recognizing the fact that certain permit holders, as an example, the city of Soldotna, currently hold mixing zone permits for sewage-treatment facility effluent. Salmon began spawning within the zone after the zone was permitted. The resolution urges ADEC to recognize that fact and to allow the renewal of permits in such areas.

The city of Homer passed a resolution in September opposing the regulatory changes to salmon streams. The Cook Inlet Regional Citizens Advisory Council also expressed itself on the issues last month in a letter to ADEC officials arguing that the proposed mixing zone revisions had "the potential to nullify years' worth of diligent work by allowing the intentional pollution of our priceless salmon streams by industrial effluent."

Michael L. Munger, executive director of **CIRCAC**, said the proposals would violate the federal Clean Water Act and U.S. Environmental Protection Agency guidance. He said giving ADEC the discretion to allow intentional discharges of pollutants into anadromous streams would create a dangerous and unnecessary precedent.

"**CIRCAC** strongly opposes the proposed regulations as written," Munger said, adding that removing the statewide ban on mixing zones in anadromous streams was "bad environmental policy," that the changes would "create loopholes for polluters," and that the provisions considering an applicant's proposed pollution mitigation measures "suggests that the health of Alaska's anadromous fish spawning habitat can be bartered."

ADEC says its proposed changes take environmental concerns into account and that easing the current restrictions would recognize that some effluent discharges are not harmful to fish. For instance, ADEC says current regulations do not allow the agency to permit a mixing zone for bacteria in a discharge from a community wastewater treatment plant, even though bacteria do not affect fish spawning.

The agency sees three situations where mixing zones could be allowed without harming spawning areas < where the specific pollutants do not harm fish, where discharges could be scheduled to avoid spawning season, and where a project's design included habitat improvements that might offset any adverse effects so there would be no net change to the habitat's ability to support spawning.

Further, ADEC argues that the new regulations would consolidate mixing zone standards that are now spread out over six sections of the Water Quality Standards regulation. Consolidation would make the regulations easier to administer and work with, ADEC said.

According to the agency, those affected by the proposed changes would include sewage treatment plants, industrial facilities such as seafood processors, and mining operations.

Mixing zone standards also impact drinking water users; commercial, sport and subsistence fish and seafood users; and water recreation users, ADEC said.