

Supplemental Notice of Proposed Changes in Regulations Dealing with Title 18, Chapter 75 Contaminated Site Cleanup and Discharge Prevention Plans

Category: Regulations
Sub-Category: Notice of Proposed Regulations
Publish Date:

Department: Environmental Conservation
Location: Statewide
Coastal District: N/A

The Department of Environmental Conservation (DEC) proposes to adopt changes to Title 18 of the Alaska Administrative Code, Chapter 75, Article 3, Discharge Reporting, Cleanup and Disposal of Oil and Other Hazardous Substances, and to update and re-adopt department guidance documents entitled *Cleanup Levels Guidance* and *Cumulative Risk Guidance*. These proposed changes are related to the cleanup of contaminated properties and would repeal portions of the site cleanup regulations that are no longer valid and make the cleanup regulations more protective of human health and the environment by updating cleanup levels and department guidance documents.

Changes to the regulations and guidance documents reflect an update to cleanup levels which reflect new toxicity information in the Environmental Protection Agency's Integrated Risk Information System (IRIS). In addition, new chemicals have been added to the regulations and guidance documents that have previously been found at Alaska contaminated sites. These chemicals include, among others, ethylene dibromide, a former gasoline additive, and MTBE, a gasoline "oxygenate" chemical used on a limited basis in Alaska during the late 1990s. Additional modifications include the repeal of the solid waste and reserve pit exemption, a refinement of the non-cancer "hazard index," repeal of the groundwater "10 times rule," repeal of certain petroleum cleanup levels, modification of how the so-called petroleum "maximum allowable" concentrations are applied and updates to citations.

A modification is also proposed for Chapter 75, Article 4 – Oil Discharge Prevention and Contingency Plans and Nontank Vessel Plans, clarifying the boundaries of the Western Alaska Region by specifying the Iditarod and Kuspuk Regional Educational Attendance Areas.

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES that was issued on September 20, 2007 concerning these proposed regulation revisions contained in the Department of Law file number 993-07-0999. This SUPPLEMENTAL NOTICE is being issued at the request of stakeholders to extend the comment period.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to William Janes, Alaska Department of Environmental Conservation, Division of Spill Prevention and Response, 410 Willoughby Avenue, Suite 303, P.O. Box 111800, Juneau, Alaska 99811-1800; by fax at (907) 465-5218; or by e-mail at

bill.janes@alaska.gov. **Comments must be received no later than 5:00 p.m. on November 30, 2007.**

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Hannah Lager at (907) 465-5390, **no later than November 23 to ensure that any necessary accommodations can be provided.**

For a copy of the proposed regulation changes you may contact Hannah Lager at (907) 465-5390 or visit the online public notice website at <http://notes4.state.ak.us/pn/pubnotic.nsf>.

After the public comment period ends on November 30, 2007, DEC will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.** Written comments received are public records and are subject to public inspection.

Statutory Authority: AS 46.03.010, AS 46.03.020, AS 46.03.050, AS 46.03.070, AS 46.03.710

Statutes Being Implemented, Interpreted, or Made Specific:

AS 46.03.020	AS 46.03.755	AS 46.09.010
AS 46.03.050	AS 46.03.822	AS 46.09.020
AS 46.03.710	AS 46.04.020	AS 46.09.070
AS 46.03.740	AS 46.04.070	
AS 46.03.745	AS 46.04.110	

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: October 22, 2007

Larry Hartig, Commissioner

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Alaska Department of Environmental Conservation
2. General subject of regulations: Contaminated site cleanup
3. Citation of regulation (may be grouped): 18 AAC 75
4. Reason for the proposed action:
 - compliance with federal law
 - compliance with new or changed state statute
 - compliance with court order
 - development of program standards
 - other: (please list)
5. BRU/component affected: Spill Prevention and Response
6. Cost of implementation to the state agency and available funding (in thousands of dollars):
Initial Year
FY 2007 – No additional costs expected beyond regular program budget

Subsequent Years – No additional costs expected beyond regular program budget

7. The name of the contact person for the regulations:

Name: William Janes
Title: Environmental Program Manager I
Address: ADEC, 410 Willoughby Ave, Suite 303, P.O. Box 111800, Juneau, AK 99811-1800
Telephone: (907) 465-5229
E-mail address: bill_janes@dec.state.ak.us

8. The origin of the proposed action:

staff of state agency
 federal government
 general public
 petition for regulation change
 other (please list)_

9. Date: September 18, 2007

Prepared by: _____/s/_____

William Janes
Regulations and Technical Oversight Unit Manager
Telephone: (907) 465-5208