



DEC News Release

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FOR IMMEDIATE RELEASE

DEC Seeks Comments on New Mixing Zone Proposal

The Department of Environmental Conservation (DEC) is proposing a new mixing zone rule in response to comments received on mixing zone amendments first proposed in July 2004.

Mixing zones are set out in permits as areas within water bodies where treated wastewater does not have to meet strictest water quality standards. To qualify for a mixing zone, a discharge must first be treated to high standards, and then pass a multiple-part test to ensure that there are no significant impacts to fish, other aquatic life, humans, and other water uses.

According to DEC Water Division Director, Lynn Kent, “mixing zones are not granted as favors to industry as some have claimed. In fact, most mixing zones are specified in permits for community sewage treatment plants. They are provided for by the Clean Water Act and used by every state in the Nation. Without mixing zones, wastewater would have to be treated to the point where it could serve as a source of drinking water before being discharged and that just isn’t feasible here or anywhere else. Sewage treatment plants and seafood processors in Alaska could not operate without a mixing zone.”

DEC received over 600 comments on the July 2004 proposal. “Many of the comments opposed mixing zones in concept, suggesting that they were illegal, irresponsible, or both,” said Kent. “There seemed to be a fair degree of confusion. Alaska has had mixing zones since 1973. The proposal was to amend an existing mixing zone provision, not to create one.”

Of the other comments received, many were concerned with allowing mixing zones in fish spawning areas. One feature of the July 2004 proposal removed a prohibition against mixing zones in grayling, northern pike, whitefish, salmon, and other fish spawning

areas. Under that version of the regulation, mixing zones could be allowed in spawning areas as long as there would be no adverse effect on spawning.

Given the public comment, DEC worked with the Departments of Natural Resources (DNR) and Fish and Game (DFG) to come up with the new proposal. The new rule retains the existing general prohibition against mixing zones in spawning areas, but allows for exemptions under a narrow range of conditions. According to Water Director Kent, “this is an approach suggested in some of the comments on the earlier proposal. The exemptions that would allow mixing zones in spawning areas were crafted to be consistent with existing legislative policies on protection of anadromous fish streams as implemented by the biologists at DNR or DFG. A key part of the new approach is to bring DNR or DFG into any decision to allow mixing zones in spawning areas.”

DEC decided to close the original rule promulgation process and to start fresh with the new proposal. According to DEC Commissioner Kurt Fredriksson, “there is significant interest in these regulations, and it is important to share the new proposal with the public. Despite news reports that we had decided to ignore the public and proceed with the first proposal – that it was a ‘done deal’ to quote one report – it was clear to me that this new proposal would be different enough to warrant more public review.”

The mixing zone regulations will be available for public review and comment for sixty days. DEC will be holding three workshops to discuss the new proposed rule at the following Legislative Information Offices:

- Juneau, November 30 from 4-6 p.m. - Terry Miller Building, Suite 111
- Fairbanks, December 1 from 4-6 p.m. - 119 Cushman St., Suite 101
- Anchorage, December 5 from 4-5:30 p.m. - 716 W. 4th Ave, Suite 200 (with statewide call-in available)

A formal public hearing is also scheduled immediately following the Anchorage workshop. The public comment period will close December 19. Copies of the proposed rule, along with informational materials, are posted on the DEC web site:

<http://www.dec.state.ak.us/water/wqsar/trireview/mixingzones.htm>