SUPPLEMENTAL NOTICE OF PUBLIC COMMENT PERIOD ON PROPOSED CHANGES TO ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION REGULATIONS

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation (ADEC), Division of Water proposes to adopt regulation changes in Title 18, Chapter 70 of the Alaska Administrative Code, establishing implementation methods for water quality antidegradation policy found at 18 AAC 70.015. The federal Clean Water Act requires states to have both a policy and antidegradation implementation methods. These implementation method regulations are proposed to be consistent with federal Clean Water Act requirements and current state law for the protection of water quality within Alaska. **This supplemental notice extends the public comment period for an additional thirty days.**

The federal Clean Water Act requires states to have an antidegradation policy to ensure protection of "waters of the United States," which are surface waters such as lakes, rivers, and marine waters. The antidegradation policy assures protection of existing uses of water, ensures that water quality does not drop below state water quality standards, allows the lowering of water quality in high quality waters only when necessary for important social or economic reasons, and provides a mechanism for designating water of exceptional ecological or recreational significance for additional protection. The State of Alaska's general antidegradation policy is found at 18 AAC 70.015 and has been in place since 1997. The Department of Environmental Conservation, Division of Water has been conducting antidegradation analyses for many years as part of its permitting process under federal law and will continue to do so.

The federal Clean Water Act also requires states to have formal implementation methods for their antidegradation policy. To meet this requirement, the Department of Environmental Conservation, Division of Water proposes to adopt regulation changes in Title 18, Chapter 70 of the Alaska Administrative Code, establishing implementation methods for the State antidegradation policy as required by federal law:

(1) 18 AAC 70.015(a)(2)(D), which describes a department finding for methods of pollution prevention, is proposed to be repealed and moved to a new section within 18 AAC 70.016.

(2) 18 AAC 70 is amended by adding a new section, 18 AAC 70.016. Section 18 AAC 70.016 antidegradation implementation methods describes three levels of protection for waters of the United States within the State of Alaska, consistent with the federal Clean Water Act. The section outlines regulatory requirements for actions such as wastewater discharges which propose lowering or potential lowering of water quality and describes the department findings necessary to allow such lowering and ensure that water quality and water uses are protected.

(3) 18 AAC 70 is amended by adding a new section, 18 AAC 70.017, describing the procedure for nomination and designation of Outstanding National Resource Water.

(4) 18 AAC 70.990 is amended by the addition of new terms to the list of definitions.

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES that was issued on January 9, 2014, concerning these proposed regulation revisions contained in the Department of Law file number JU2012200963. This SUPPLEMENTAL NOTICE is being issued because the Department of Environmental Conservation has decided to extend the public comments 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 Earl Crapps, ADEC Division of Water, at 555 Cordova Street, Anchorage, Alaska 99501. Additionally, the Division of Water will accept

comments by facsimile at (907) 269-3487 and by electronic mail at earl.crapps@alaska.gov. Comments may also be submitted electronically through the Alaska Public Notice System at http://aws.state.ak.us/OnlinePublicNotices. The comments must be received no later than 4:30 p.m. on April 16, 2014.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Kim Nix at (907) 269-3059 no later than 4:30 p.m. on April 9, 2014, to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Earl Crapps, ADEC Division of Water, at 555 Cordova Street, Anchorage, Alaska 99501 or (907) 269-7681, or go to the Division of Water Antidegradation web page at http://dec.alaska.gov/water/wqsar/Antidegradation/index.html.

After the public comment period ends, the Division of Water 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 46.03.080; AS 46.03.100; AS 46.03.110; AS 46.03.710; AS 46.03.720;
Statutes Being Implemented, Interpreted, or Made Specific: AS 46.03.010 – AS 46.03.120; AS 46.03.710; AS 46.03.720.
Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: March 13, 2014

Larry Hartig, Commissioner