

WATER QUALITY STANDARDS: PROPOSED CHANGES IN THE
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation (DEC), Division of Water proposes to amend regulations in Title 18, Chapter 70 of the Alaska Administrative Code by updating the recreational water quality criteria (RWQC) for fresh and marine waters based on fecal indicator bacteria *E. coli* and enterococci. In addition, the Water Quality regulations are amended to clarify that certain sites, facilities and actions are exempt from the groundwater provisions in 18 AAC 70 because they are governed by other regulations.

DEC proposes to adopt regulation changes in Title 18, Chapter 70 of the Alaska Administrative Code, dealing with Water Quality Standards, including the following:

- (1) amend 18 AAC 70.020(b)(2)(A) and (B) by revising the water quality standards table to include the applicable bacteria criterion for freshwater designated uses;
- (2) amend 18 AAC 70.020(b)(14)(A), (B), and (D) by revising the water quality standards table to include the applicable bacteria criterion for marine water designated uses;
- (3) amend 18 AAC 70.020(b)(2)(B) by revising provisions pertaining to the applicable criteria for freshwater by adopting updated published recommendations;
- (4) amend 18 AAC 70.020(b)(14)(B) by revising provisions pertaining to the applicable criteria for marine waters by adopting updated published recommendations;
- (5) amend 18 AAC 70.990 by adding a new term to the list of definitions;
- (6) repeal and readopt 18 AAC 70.005(a) by adding additional language to clarify when groundwater is governed under other regulatory frameworks.

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 Denise Elston, DEC Division of Water, at 410 Willoughby Ave, Suite 303, P.O. Box 111800, Juneau, Alaska 99811. Additionally, DEC will accept comments by facsimile at (907) 465-5274 and by electronic mail at denise.elston@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the "comment" link. The comments must be received no later than 5:00 p.m. on August 30, 2016.

Oral or written comments also may be submitted at a hearing to be held on August 16, 2016, in the DEC Main Conference Room, Second Floor, 410 Willoughby Avenue, Juneau. The hearing will be held from 4:00 p.m. to 6:00 p.m. and might be extended to accommodate those present before 6:00 p.m. who did not have an opportunity to comment. Those individuals who cannot attend the public hearing but wish to participate via teleconference may do so by calling (800) 315-6338. Access Code

51851.

You may submit written questions relevant to the proposed action to Denise Elston by electronic mail at denise.elston@alaska.gov or 410 Willoughby Ave, Suite 303, P.O. Box 111800, Juneau, Alaska 99811. The questions must be received at least 10 days before the end of the public comment period. DEC will aggregate its response to substantially similar questions and make the questions and responses available on <http://dec.alaska.gov/water/wqsar/wqs/RecWQExemptGW.htm>.

DEC may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Natalie Wolfe at (907) 269-0291 or TDD Relay Service 1-800-770-8973 /TTY or dial 711 no later than August 5, 2016 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes are available on the Alaska Online Public Notice System and by contacting Denise Elston, DEC Division of Water, at 410 Willoughby Ave, Suite 303, P.O. Box 111800, Juneau, Alaska 99811, (907) 465-5018.

A copy of material proposed for adoption by reference may be viewed at the agency's office at 410 Willoughby Ave, Suite 303, P.O. Box 111800, Juneau, Alaska 99811.

After the public comment period ends, DEC will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. 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 46.03.365; AS 46.03.710; AS 46.03.720

Statutes Being Implemented, Interpreted, or Made Specific: AS 46.03.010 – AS 46.03.024; 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

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

June 24, 2016



Larry Hartig, Commissioner

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Environmental Conservation
2. General subject of regulation: Water Quality Standards
3. Citation of regulation (may be grouped): 18 AAC 70
4. Department of Law file number, if any: JU2015200849

5. Reason for the proposed action:
 - Compliance with federal Clean Water Act Section 303(i)(1)(B)
 - Compliance with new or changed state statute
 - Compliance with Federal or state court decision (identify) _____
 - Development of program standards
 - Other: (please list) _____

6. Appropriation/Allocation: Water Division, Water Quality Standards Program

7. Estimated annual costs in the aggregate to comply with the proposed action to:
 - Private Persons: No additional costs identified.
 - Other State Agencies: No additional costs identified.
 - Municipalities: No additional costs identified.

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 2017	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ _____	\$ _____
1003 General fund match	\$ _____	\$ _____
1004 General fund	\$ _____	\$ _____
1005 General fund/ program	\$ _____	\$ _____
1037 General fund/ mental health	\$ _____	\$ _____
Other	\$ _____	\$ _____

9. The name of the contact person for the regulations:
Name Denise Elston
Title Environmental Program Specialist III
Address 410 Willoughby Ave, Suite 303, P.O. Box 111800
Juneau AK 99811

Telephone 907-465-5018
E-mail address denise.elston@alaska.gov

10. The origin of the proposed action:
 Staff of state agency
 Federal government
 General public
 Petition for regulation change
 Other (identify) _____

11. Date: June 24, 2016 Prepared by: _____/s/_____
[signature]

Name (printed) Brock Tabor
Title (printed) Environmental Program Specialist
Telephone: (907) 465-5185