

# NONAPPLICABILITY OF GROUNDWATER PROVISIONS IN THE ALASKA WATER QUALITY STANDARDS FOR CERTAIN REGULATORY ACTIONS



## Fact Sheet

**BACKGROUND-** Revisions to the Nonapplicability of groundwater provisions are proposed to clarify the specific types of sites, facilities, and actions that are exempt from the groundwater provisions of Chapter 70 when governed by certain other regulations.

**WHAT IS THE NONAPPLICABILITY PROVISION?** In order to allow certain actions carried out under other regulatory authorities to proceed, including the Contaminated Sites (18 AAC 75) and the Solid Waste Program (18 AAC 60), these actions are exempt from the groundwater provisions in 18 AAC 70 Water Quality Standards. Such actions may include the cleanup of leaking underground storage tanks and contaminated sites to address imminent and substantial risks to human health, or actions or permits for solid waste disposal facilities.

**WHY AMEND THE NONAPPLICABILITY PROVISION?** The main goal is to provide clarity and correct errors. No substantive changes are otherwise proposed.

**WHAT IS DIFFERENT?** Specifically, 18 AAC 70.005(a)(1) has been expanded from two to seven paragraphs. Also, the original language referencing EPA approval under CERCLA has been removed because such action at sites in the state of Alaska are subject to DEC approval. In specific:

Language has been added to clarify that a site undergoing cleanup under 18 AAC 75 means a site subject to the site cleanup rules, which include not only a cleanup, but all provisions, actions, and requirements including institutional controls, as detailed throughout 18 AAC 75.325-390.

Language has been added to clarify that a site undergoing a corrective action under 18 AAC 78 means a site subject to Article 2 (Corrective Action for Leaking USTs) and Article 6 (Cleanup Levels) under 18 AAC 78.

The reference to EPA approval under Comprehensive Environmental Response, Compensation, Liability Response (CERCLA) has been removed.

**WHO WILL BE AFFECTED?** No parties are positively or negatively affected by the proposed change, as it only clarifies and corrects existing language.

## STATE OF ALASKA

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