

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 18 AAC 70 of the Alaska Administrative Code, dealing with state water quality standards. DEC is clarifying its authority and policies to adopt water quality standards variances and reclassify designated uses of state waters.

The DEC proposes to adopt regulation changes in Title 18, Chapter 70 of the Alaska Administrative Code dealing with water quality standards. DEC is proposing new language in 18 AAC 70.205 that allows DEC to authorize water quality standards variances in accordance with federal regulations at 40 C.F.R. 131. DEC is also proposing to amend 18 AAC 70.230 to clarify DEC policy regarding the reclassification of designated uses in certain state waters and ensure consistency with federal regulations at 40 C.F.R. 131.

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 Water Quality Standards Section, DEC Division of Water at 410 Willoughby Avenue, Suite 303, P.O. Box 111800, Juneau, Alaska 99811-1800. 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 September 16, 2019**.

Oral or written comments also may be submitted at a public hearing to be held on September 3, 2019 in the DEC Spruce Conference Room, Second Floor, 410 Willoughby Avenue, Juneau. The hearing will be held from 4:00 p.m. to 6:00 p.m. and may 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 to Water Quality Standards Section, DEC Division of Water at 410 Willoughby Avenue, Suite 303, P.O. Box 111800, Juneau, Alaska 99811-1800. All 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 the DEC Water Quality Standards webpage at <http://dec.alaska.gov/water/water-quality/standards/>.

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.

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need a special

accommodation in order to participate in this public process, please contact Theresa Zimmerman at (907) 465-6171 or TDD Relay Service 1-800-770-8973/TTY or dial 711 within 30 days of publication of this notice 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 at denise.elston@alaska.gov or (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.

July 31, 2019



Jason W. Brune, 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: 2018200808

5. Reason for the proposed action:
 - Compliance with federal regulations 40 C.F.R. 131.14
 - 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: The amendments are unlikely to result in additional compliance costs.

Other State Agencies: The amendments are unlikely to result in additional compliance costs.

Municipalities: The amendments are unlikely to result in additional compliance costs.

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

	Initial Year	Subsequent
	FY 2020	Years
Operating Cost	\$ _____	\$ _____
Capital Cost	\$ _____	\$ _____
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
Address P.O. Box 111800, Juneau, AK 99811-1800

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: _____ Prepared by: _____
[Signature]

Name (printed) _____
Title (printed) _____
Telephone: _____