

CONTAMINATED SITES: NOTICE OF PROPOSED CHANGES  
IN THE REGULATIONS OF ALASKA DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation (DEC) is proposing to update cleanup levels for soil and groundwater for contaminated sites.

The Alaska Department of Environmental Conservation proposes to adopt regulation changes in Title 18, Chapter 75 of the Alaska Administrative Code, updating cleanup levels for soil and groundwater, along with minor housekeeping changes. The proposed changes include the following:

- (1) Amend 18 AAC 75.325 to update the department's *Procedures for Calculating Cumulative Risk* and adopt it by reference, add new language clarifying the requirements for obtaining approval to dispose of soil or groundwater from a site subject to the site cleanup rules.
- (2) Amend 18 AAC 75.340 to update the department's *Procedures for Calculating Cleanup Levels and Risk Assessment Procedures Manual* and adopt these documents by reference, and update terms.
- (3) Amend 18 AAC 75.341 to update soil cleanup levels and notes for method two in Table B1.
- (4) Amend 18 AAC 75.345 to update groundwater cleanup levels and notes in Table C.
- (5) Amend 18 AAC 75.355 to reflect current terms and best practices used in evaluating laboratory analytical data, repeal adoption of SW-846 by reference, and update the adopted by reference document, *Underground Storage Tanks Procedures Manual*.
- (6) Amend 18 AAC 75.370(b) to clarify who is required to obtain approval to move or dispose of soil or groundwater from a site subject to the site cleanup rules.
- (7) Amend 18 AAC 75.990 to repeal a definition and add two definitions.
- (8) In addition other conforming and housekeeping changes have been made throughout the chapter.

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 Sally Schlichting, Alaska Department of Environmental Conservation, 410 Willoughby Ave., Suite 303, P.O. Box 111800, Juneau, AK 99811-1800, by facsimile at: (907) 465-5218, or by e-mail to [sally.schlichting@alaska.gov](mailto:sally.schlichting@alaska.gov). Alternatively, you may submit your comments through the State of Alaska's online public notice website at: <http://aws.state.ak.us/OnlinePublicNotices/Default.aspx>. **All comments must be received by 5:00 p.m. on April 26, 2018.** Comments received after this date will not be considered in final action on these rules.

You may submit written questions relevant to the proposed action to Sally Schlichting by email to [sally.schlichting@alaska.gov](mailto:sally.schlichting@alaska.gov) or by mail to Sally Schlichting, Alaska Department of Environmental Conservation, 410 Willoughby Ave, Suite 303, P.O. Box 111800, Juneau, AK 99811-1800. The questions must be received at least 10 days before the end of the public comment period. The

Department of Environmental Conservation will aggregate its response to substantially similar questions and make the questions and responses available on <http://dec.alaska.gov/spar/regulation-projects> The Department of Environmental Conservation 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 April 18, 2018 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes and material proposed for adoption by reference is available on the Alaska Online Public Notice System at <http://aws.state.ak.us/OnlinePublicNotices/> or at <http://dec.alaska.gov/spar/regulation-projects> and by contacting Sally Schlichting at the address or email above or by phone at (907) 465-5076.

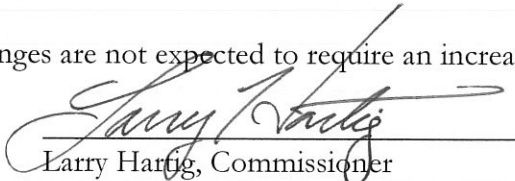
After the public comment period ends, the Department of Environmental Conservation will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that 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 46.03.710

**Statutes Being Implemented, Interpreted, or Made Specific:**

AS 44.46.025	AS 46.03.755	AS 46.04.070
AS 46.03.020	AS 46.03.822	AS 46.08.140
AS 46.03.050	AS 46.04.020	AS 46.09.010
AS 46.03.710	AS 46.04.030	AS 46.09.020
AS 46.03.740	AS 46.04.035	
AS 46.03.745	AS 46.04.055	

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



Larry Hartig, Commissioner

Dated: March 19, 2018  
Anchorage, Alaska

## ADDITIONAL REGULATIONS NOTICE INFORMATION

(AS 44.62.190(d))

1. Adopting agency: Alaska Department of Environmental Conservation
2. General subject of regulation: Contaminated Sites
3. Citation of regulation (may be grouped): 18 AAC 75
4. Department of Law file number, if any: JU2017200705
  
5. Reason for the proposed action:
  - Compliance with federal law or action (identify):
  - Compliance with new or changed state statute
  - Compliance with Federal or state court decision (identify)
  - Development of program standards
  - Other (identify): Updated science, laboratory practices, and improve regulations
  
6. Appropriation/Allocation: Spill Prevention and Response Division/Contaminated Sites Program.
  
7. Estimated annual costs in the aggregate to comply with the proposed action:

Private Persons: There are no increased costs to private persons or businesses who are not involved in contaminated sites. Updated scientific information necessitates corresponding amendments to Table C. Groundwater Cleanup Levels and Table B1. Method Two Soil Cleanup Levels. There may be potential compliance costs for owners and operators of facilities with contaminated sites (responsible parties), but the *net* cost impact of changes is expected to be negligible. There is potential for slight cost savings as a result of less stringent cleanup levels for the more commonly detected compounds, such as polycyclic aromatic hydrocarbons, relative to a few increased cleanup levels for rarely detected compounds, but this effect would be site-specific. Increased flexibility is provided in the amendment to 18 AAC 75.325(i) which allows for owners or operators of closed sites that meet method two soil and Table C groundwater cleanup levels to move soil or groundwater without department approval, this revision has the potential to result in a direct time savings.

Should there be concern about compliance costs due to these proposed changes the department encourages the submission of public comments which reference costs and provide specific cost information.

Other State Agencies: No additional costs. Where a state agency is considered a responsible party, owner, and/or operator of an active contaminated site with amended compound cleanup levels revised review the "Private Persons" section above.

Municipalities: No additional costs. Where a municipality is considered a responsible party, owner, and/or operator of an active contaminated site with amended compound cleanup levels revised review the "Private Persons" section above.

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

	Initial Year FY 2019	Subsequent Years
Operating Cost	\$ 0	\$ 0
Capital Cost	\$ 0	\$ 0
1002 Federal receipts	\$ 0	\$ 0
1003 General fund match	\$ 0	\$ 0
1004 General fund	\$ 0	\$ 0
1005 General fund/ program	\$ 0	\$ 0
1037 General fund/mental health	\$ 0	\$ 0
Other (Response Fund)	\$ 0	\$ 0

9. The name of the contact person for the regulations:

Name: Sally Schlichting

Title: Unit Manager for Technical Services, Policy and Regulations

Address: ADEC, Contaminated Sites Program

410 Willoughby Ave. Suite 303, P.O. Box 111800, Juneau, AK 99811-1800

Telephone: (907) 465-5076

E-mail address sally.schlichting@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: March 19, 2018 Prepared by: 

Name (printed): Sally Schlichting

Title (printed): Unit Manager for Technical Services, Policy and Regulations

Telephone: (907) 465-5076