

PUBLIC DRINKING WATER SYSTEMS: NOTICE OF PROPOSED CHANGES
IN THE REGULATIONS OF DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BRIEF DESCRIPTION

The Department of Environmental Conservation proposes to amend regulations addressing drinking water systems. The amendments include correcting typos or grammatical errors, correcting statutory authority citations, and updating cross references, and terminology throughout the chapter. The amendments also include edits to make the regulations more clear, readable, and understandable.

The Department of Environmental Conservation proposes to adopt regulation changes in Title 80 of the Alaska Administrative Code (AAC) Chapter 80 (Drinking Water) and make conforming changes to various other regulations. These changes make technical corrections and non-substantive edits and conforming changes to the chapter as well as several substantive edits, including the following:

General changes:

- Correction of typos, correction of grammatical errors, updated cross references, and updated terminology throughout the chapter.
- Corrections to citations of statutory authority throughout the chapter.
- Clarifications and re-statements of existing sections throughout the chapter to make the resulting sections more clear, readable, and understandable.
- Conforming edits throughout the chapter.
- Conforming edits in 18 AAC 34 (seafood processing and inspection) and 18 AAC 78 (underground storage tanks).

Specific changes:

- 18 AAC 34.1990(a) adds and amends several definitions.
- 18 AAC 78.025(d) amends the distance allowable between an underground storage tank and a private drinking water system.
- 18 AAC 80.005(b) expands the list of who the chapter applies to.
- 18 AAC 80.010(a)(5)(A) adopts additional federal definitions by reference.
- 18 AAC 80.010(a)(6)(B) adopts additional scope for turbidity sampling and analytical requirements.
- 18 AAC 80.010(a) adopts federal requirements for maximum contaminant levels for turbidity.
- 18 AAC 80.010(b)(6) adopts *Supplement 2 to the Fifth Edition of the Manual for the Certification of Laboratories Analyzing Drinking Water*.
- 18 AAC 80.010(b)(8) repeals an out of date publication.

- 18 AAC 80.010(b)(18) adopts a new method for the determination of turbidity for systems that avoid filtration.
- 18 AAC 80.010(d) repeals the list of suggested reference publications. A current list will be maintained on the Department's website.
- 18 AAC 80.015(b)(5) allows the Department discretion in requiring impervious surface around a well.
- 18 AAC 80.015(d) clarifies requirements for persons who own or are responsible for a well, hole, or excavation into a water supply source or potential water supply source for a public water system.
- 18 AAC 80.015(e) clarifies requirements for a person who decommissions a well. Sets out new requirement for well log submission after decommissioning.
- 18 AAC 80.030(b)(2) amends the list of certifying organizations for materials that may be in contact with drinking water in a public water system.
- 18 AAC 80.030(b)(3) rewrites paragraph to describe additional situations for which the Department may approve a material which is not NSF/ANSI certified.
- 18 AAC 80.055(a) removes emergency preparedness requirements for certain non-transient non-community water systems and deletes requirement for biennial updates of emergency response plan for community water systems.
- 18 AAC 80.055(b) eliminates emergency priority measures plan requirements for certain non-transient non-community water systems and transient non-community water systems. Eliminates requirement for biennial updates for community water systems.
- 18 AAC 80.055(h) repeals biennial renewal of certification of compliance requirement.
- 18 AAC 80.057 adds a new section outlining requirements for notifying the Department of an emergency.
- 18 AAC 80.205(b)(5) expands the scope of what must be included in plans with regards to overall treatment schemes for public water systems, including additional provisions for automated systems.
- 18 AAC 80.205(c)(1) clarifies the requirement for engineering evaluation of water quality data for public water systems proposing a change in the water treatment process.
- 18 AAC 80.205(c)(2) clarifies raw water testing requirements for public water systems proposing to use a new source.
- 18 AAC 80.210 increases the deadline to provide well log information to the Department and amends the specific well log information that must be submitted.
- 18 AAC 80.220 amends section to clarify the scope of vehicles that haul water as part of a public water system. Allows the Department to conduct onsite vehicle inspections in lieu of engineering plan review.
- 18 AAC 80.300(b)(3) adds treatment technique requirements for turbidity compliance.
- 18 AAC 80.303 adds a new section to accommodate certain contaminants that have a treatment technique requirement or action level requirement for compliance.

- 18 AAC 80.310(f) removes the lead and copper testing requirements for rainwater catchment systems.
- 18 AAC 80.340(a) changes the timeframe to report results of water analyses to the Department.
- 18 AAC 80.340(b) changes the timeframe to report results of water analyses to the Department.
- 18 AAC 80.340(d) amends subsection to include all water systems using treatment.
- 18 AAC 80.340(d)(1) adds a new analytical method for measuring turbidity.
- 18 AAC 80.340(d)(2)(D) deletes the methods for measuring residual disinfectant concentration for iodine, since it is no longer an approved disinfectant.
- 18 AAC 80.355(b) expands the scope of subsection to include E. coli and all results of total coliform repeat sample analysis to reporting requirements.
- 18 AAC 80.420(b) expands scope of subsection to include E. coli and requires a laboratory to report both positive and negative results.
- 18 AAC 80.430(h)(5) extends deadline for notifying the Department from 5 to 30 days after final completion of all corrective actions under a corrective action plan.
- 18 AAC 80.605 makes specific the types of information that the Department will consider when making a determination of whether a water source is a Groundwater Under the Direct Influence of Surface Water (GWUDISW) source; changes the qualifications for persons authorized to complete on-site field assessments; adds requirements in regards to water quality assessments that the Department may require when making a GWUDISW determination; and clarifies when the Department will determine that a water sources is a GWUDISW.
- 18 AAC 80.1100(b)(3) specifies the timeframe for proficiency testing submittals for laboratory certification.
- 18 AAC 80.1100(i) adds a new subsection outlining and clarifying the administrative appeal process for laboratory certification.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying and alternative practical methods of complying with the proposed changes, by submitting written comments to Dorothy Duncan, Department of Environmental Conservation, Division of Environmental Health, 555 Cordova Street, Anchorage, AK 99501. Additionally, the Department of Environmental Conservation will accept comments by facsimile at (907) 269-7510 and by electronic mail at dorothy.duncan@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 not later than 5:00pm on Friday, June 15, 2018. Comments received after this date will not be considered in the final action on these regulations.

You may submit written questions relevant to the proposed action to Dorothy Duncan, Department of Environmental Conservation, Division of Environmental Health, 555 Cordova Street, Anchorage, AK 99501 or by e-mail to dorothy.duncan@alaska.gov. 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 the Alaska Online Public Notice System <http://dec.alaska.gov/eh/dw/index.htm>. 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 Teresa Zimmerman at (907) 465-6171 or TDD Relay Service 1-800-770-8973/TTY or dial 711 not later than June 1, 2018, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System at <http://aws.state.ak.us/OnlinePublicNotices/>, on the Department of Environmental Conservation website at <http://dec.alaska.gov/commish/regulations/index.htm>, or by contacting Dorothy Duncan by mail at the address above, by email at dorothy.duncan@alaska.gov, or by phone at (907) 269-6066.

A copy of material proposed for adoption by reference may be viewed at the agency's office at 555 Cordova Street, Anchorage, AK 99501.

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 regulation may be different from that of the proposed regulation. **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 44.46.020; AS 46.03.020

Statutes being implemented, interpreted, or made specific: AS 17.20.005; AS 17.20.010; AS 17.20.020; AS 17.20.030; AS 17.20.040; AS 17.20.044; AS 17.20.045; AS 17.20.050; AS 17.20.065; AS 17.20.065; AS 17.20.070; AS 17.20.072; AS 17.20.180; AS 17.20.200; AS 17.20.230; AS 17.20.240; AS 17.20.250; AS 17.20.260; AS 17.20.270; AS 17.20.280; AS 17.20.290; AS 17.20.305; AS 17.20.340; AS 44.46.020; AS 44.46.025; AS 46.03.010; AS 46.03.020; AS 46.03.050; AS 46.03.365; AS 46.03.375; AS 46.03.710; AS 46.03.720; AS 46.03.745; AS 46.03.761; AS 46.03.850; AS 46.03.880; AS 46.04.020; AS 46.04.070; AS 46.09.020.

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

Date: May 10, 2018



Larry Hartig, Commissioner

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Environmental Conservation
2. General subject of regulation: Public Water Systems; Technical Corrections
3. Citation of regulation (may be grouped): 18 AAC 80
4. Department of Law file number, if any: JU2016200930

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): Technical Corrections, Clarifications, Minor Changes and Updates

6. Appropriation/Allocation: Environmental Health / Drinking Water

7. Estimated annual cost to comply with the proposed action to:

A private person: None. There are no direct costs to the public. The majority of these proposed revisions update the regulations making them current and easier for the public to navigate.

Another state agency: None.

A municipality: None.

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

	Initial Year FY <u>2018</u>	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 _____
Other (identify)	\$0 _____	\$0 _____

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

Name: Dorothy Duncan

Title: Program Coordinator II

Address: 555 Cordova Street, Anchorage, AK 99501

Telephone: (907) 269-6066

E-mail address: dorothy.duncan@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: May 2, 2018

Prepared by:



Name (printed): Dorothy Duncan

Title (printed): Program Coordinator II

Telephone: (907) 269-6066