

**Contaminated Sites Program
 Summary of Proposed Modifications
 Alaska Administrative Code Title 18, Chapter 75, Articles 3 and 9
 Alaska Administrative Code Title 18, Chapter 78, Articles 1, 2, 6 and 9
 Updated Adopted by Reference Documents:
 Underground Storage Tank Procedures Manual and
 Operation Requirements for Soil Treatment Facilities
 September 2014**

The proposed revisions to the Oil and Other Hazardous Substances Pollution Control regulations simplify and expand the definition for who may conduct environmental work at contaminated sites. Other changes are house-keeping related.

A detailed summary of the proposed revisions is provided in the table below.

Section	Discussion	Reason for Change
18 AAC 75.325(g) and (h)	Text which specifies existing cumulative risk thresholds and how they are reported (to one significant figure) is modified for clarity for the reader. The Editor’s note is also updated to provide information regarding access to adopted-by-reference documents.	Housekeeping change.
18 AAC 75.335(b) and (c)	Replaces “qualified person” with “qualified environmental professional.”	Consistent with revised definition of “qualified environmental professional” at 18 AAC 75.990(190)
18 AAC 75.355(a)	Language is updated to provide that sample collection of soil and water may be performed by a “qualified sampler” when a qualified environmental professional is not available.	The revision allows increased flexibility for who may conduct basic soil and water sampling and includes a corresponding definition of “qualified sampler” at 18 AAC 75.990 (191).
18 AAC 75.355(b)	Adds, “on a site-specific basis” to be consistent with same language in 18 AAC 78.090(f)	Consistency and house-keeping change.
18 AAC 75.355(c)	Updates adopted-by-reference version of a technical reference document (SW-846) pertaining to analytical methods and practical quantitation limits.	Most current version (2008) is now cited, versus the 1997 version.
18 AAC 75.355(d)	Updates adopted-by-reference version of the Underground Storage Tanks (UST) Procedures Manual. The Editor’s note is also updated to	The UST Procedures Manual has been correspondingly updated to reflect the change in the

Section	Discussion	Reason for Change
	provide information regarding access to adopted-by-reference documents.	definition of “qualified person.”
18 AAC 75.360	“Qualified person” replaced by “qualified environmental professional.”	The “qualified person” designation is changed to “qualified environmental professional” per the definition at 18 AAC 75.990 (190).
18 AAC 75.365(a)(1)(C)	“Qualified person” replaced by “qualified environmental professional.”	The “qualified person” designation is changed to “qualified environmental professional” per the definition at 18 AAC 75.990 (190).
18 AAC 75.365(a) and (c)	Updates adopted-by-reference version of a document pertaining to soil treatment facilities. The Editor’s note is also updated to provide information regarding access to adopted-by-reference documents.	The new reference, <i>Operation Requirements for Soil Treatment Facilities</i> , dated March, 2013 has formatting changes and a new title. It replaces the previous 2002 referenced document.
18 AAC 75.370	Table D, Bottom Liner Minimum Specifications is replaced with an updated table reflecting new standards for liners and covers used for stockpiles.	Specifications have been updated from 2002-2006 to 2011-2012 by the American Society of Testing and Materials (ASTM).
18 AAC 75.380(a)	“Qualified person” replaced by “qualified environmental professional.”	The “qualified person” designation is changed to “qualified environmental professional” per the definition at 18 AAC 75.990 (190).
18 AAC 75.380(c)(1)	Clarifies how soil sampling results should be calculated and presented (on a per dry weight basis) to demonstrate compliance with applicable cleanup levels.	Clarifies for RPs how sample results are presented and used in statistical computations.
18 AAC 75.390	Typographical error corrected and “Qualified person” replaced by “qualified environmental professional.”	The “qualified person” designation is changed to “qualified environmental

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		professional” per the definition at 18 AAC 75.990 (190).
18 AAC 75.990(46), (100), (155), (190) and (191)	<ul style="list-style-type: none"> • Revises definitions for “groundwater” to conform with the parallel definition in 18 AAC 70; • repeals “qualified person”; • provides new definition for “qualified environmental professional” to provide more flexibility by including three ways to meet the definition; • provides a new definition for “qualified sampler” to allow individuals with less experience to conduct sampling; • Incorporates language to preclude individuals found to have committed acts of fraud related to environmental work from being qualified in either definition. • Replaces “qualified person” with “qualified environmental professional” in one definition where it is referenced. 	<p>New definitions distinguish complex environmental work from basic sampling work and provide increased flexibility in the qualified environmental professional category to meet the definition.</p> <p>For the new sampler definition, individuals with limited training can carry out basic sampling work. This definition will create a stepping stone to qualified environmental professional and provide a cost-effective alternative for certain types of sample collection when no qualified environmental professional is available.</p>
18 AAC 78.007	Updates adopted-by-reference version of the Underground Storage Tanks (UST) Procedures Manual. The Editor’s note is also updated to provide information regarding access to adopted-by-reference documents.	The UST Procedures Manual has been correspondingly updated to reflect the change in the definition of “qualified person.”
18 AAC 78.090(d)(2)(A)	Adds a new sub-subparagraph (viii) to UST closure-in-place assessments clarifying that all soil excavated must be field screened and sampled.	Provides consistency with same requirement for UST closure-by-removal assessments in 18 AAC 78.090(d)(2)(B)(viii)
18 AAC 78.090(e)	In this section pertaining to the collection, interpretation, and reporting of field and site assessment data, “qualified impartial third party” is replaced by “qualified environmental professional.”	The “qualified impartial third party” designation is changed to “qualified environmental professional” per the new definition at 18 AAC 78.995(164) and is now

Section	Discussion	Reason for Change
		consistent with the usage of this term throughout 18 AAC 75. Previously, two different terms were used by each chapter for the same kind of work.
18 AAC 78.090(f)	Updates this section pertaining to waiving the requirement for use of an impartial third party with same language found in the parallel section of 18 AAC 75.355(b)	Creates consistency between the two chapters concerning the circumstances and the department's authority to issue waivers.
18 AAC 78.235(b)	In this section pertaining to the collection, interpretation, and reporting of field and release investigation data, "qualified impartial third party" is replaced by "qualified environmental professional." Adds language specifying option for waiving the impartial third party requirement.	The "qualified impartial third party" designation is changed to "qualified environmental professional" per the new definition at 18 AAC 78.995(164) and is now consistent with the usage of this term throughout 18 AAC 75. Previously, two different terms were used by each chapter for the same kind of work. "Impartial third party" is preserved in the new definitions in both chapters.
18 AAC 78.235(c)	<p>This subsection is repealed because it is redundant with 18 AAC 78.090(f), which is now referenced in the preceding subsection.</p> <p>The Editor's note to this section is updated to reflect a correction in the UST procedures manual.</p>	Removes redundant language and creates consistent references for all subsections where waiver of an impartial third party is an option.
18 AAC 78.250(b)(3)	In this section pertaining to the preparation of a corrective action plan, "qualified impartial third party" is replaced by "qualified environmental professional."	The "qualified impartial third party" designation is changed to "qualified environmental professional" per the new definition at 18 AAC 78.995(164) and is now consistent with the usage of this term throughout 18 AAC 75. Previously, two different terms were used

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		by each chapter for the same kind of work.
18 AAC 78.271(a)(3)	In this section pertaining to sampling and analysis, “qualified impartial third party” is replaced by “qualified environmental professional.” New language is added to specify certain types of sampling which can be performed by a qualified sampler.	Per the new definitions at 18 AAC 78.994 (164) and (165) The revision allows increased flexibility for who may conduct basic soil and water sampling at LUST sites.
18 AAC 78.273(a)(1)(C)	In this section pertaining to preparation of a post-treatment sampling and analysis plan, replaces “qualified person” with “qualified environmental professional.”	The “qualified person” designation is changed to “qualified environmental professional” per the definition at 18 AAC 78.995(164)
18 AAC 78.273	Updates adopted-by-reference version of a document pertaining to soil treatment facilities. The Editor’s note is also updated to provide information regarding access to adopted-by-reference documents.	The new reference, <i>Operation Requirements for Soil Treatment Facilities</i> , dated March, 2013 has formatting changes and a new title. It replaces the previous 2002 referenced document.
18 AAC 78.274	Table B, Bottom Liner Minimum Specifications is replaced with an updated table reflecting new standards for liners and covers used for stockpiles.	Specifications have been updated from 2002-2006 to 2011-2012 by the American Society of Testing and Materials (ASTM).
18 AAC 78.275(a)	In this section pertaining to release investigations, “qualified impartial third party” is replaced by “qualified environmental professional.”	The “qualified impartial third party” designation is changed to “qualified environmental professional” per the new definition at 18 AAC 78.995(164) and is now consistent with the usage of this term throughout 18 AAC 75. Previously, two different terms were used by each chapter for the same kind of work.
18 AAC 78.275(d)	Removes reference to EPA’s Test Methods at SW-846 which was previously repealed from the chapter at 18 AAC 78.090(i) and replaces it	Housekeeping change.

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	with a reference to Table 1 of the UST Procedures Manual. Removes editor's note regarding the same.	
18 AAC 78.276(a)	In this section pertaining to final corrective action reports, "qualified impartial third party" is replaced by "qualified environmental professional."	The "qualified impartial third party" designation is changed to "qualified environmental professional" per the new definition at 18 AAC 78.995(164) and is now consistent with the usage of this term throughout 18 AAC 75. Previously, two different terms were used by each chapter for the same kind of work.
18 AAC 78.600(e)	Text which specifies existing cumulative risk thresholds and how they are reported (to one significant figure) is modified for clarity for the reader. An updated reference is provided for calculating cumulative risk. The Editor's note is also updated to provide information regarding access to adopted-by-reference documents.	Housekeeping change makes this section clearer. The reference to the 2002 ADEC Cumulative Risk Guidance was out of date; it has since been updated in 2008 and the 2002 version is obsolete.
18 AAC 78.600(i)	In this section pertaining to the collection, interpretation, and reporting of data, "qualified impartial third party" is replaced by "qualified environmental professional."	The "qualified impartial third party" designation is changed to "qualified environmental professional" per the new definition at 18 AAC 78.995(164) and is now consistent with the usage of this term throughout 18 AAC 75. Previously, two different terms were used by each chapter for the same kind of work.
18 AAC 78.930	In this section pertaining to waivers or modifications, "qualified person" is replaced by "qualified environmental professional."	The "qualified person" designation is changed to "qualified environmental professional" per the new definition at 18 AAC 78.995(164) and is now consistent with the usage of this term throughout 18 AAC 75. Previously, two different terms were used

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		by each chapter for the same kind of work.
18 AAC 78.995 (81), (118), (142), (164), and (165)	<ul style="list-style-type: none"> • Replaces “qualified impartial third party” or “qualified person” with “qualified environmental professional” in two definitions where it is referenced. • repeals “qualified person”; • provides new definition for “qualified environmental professional” to provide more flexibility by including three ways to meet the definition; • provides a new definition for “qualified sampler” to allow individuals with less experience to conduct sampling; • Incorporates language to preclude individuals found to have committed acts of fraud related to environmental work from being qualified in either definition. 	<p>New definitions distinguish complex environmental work from basic sampling work and provide increased flexibility in the qualified environmental professional category to meet the definition.</p> <p>For the new sampler definition, individuals with limited training can carry out basic sampling work. This definition will create a stepping stone to qualified environmental professional and provide a cost-effective alternative for certain types of sample collection when no qualified environmental professional is available.</p>
UST Procedures Manual	The 2014 updated version of this adopted-by-reference document includes revisions to incorporate the new definitions of “qualified environmental professional” and “qualified sampler.” The change includes removing use of the term, “assessment firm” and replacing it with “qualified environmental professional;” removing the requirement to complete a form listing all the persons designated as qualified in a given company; specifying the type of work to be conducted by a “qualified sampler;” simplifying and clarifying the responsibilities of personnel conducting underground storage tank investigations; formatting changes; and housekeeping changes to be consistent with 18 AAC 78.	The changes are necessary to ensure consistency with 18 AAC 75 and 18 AAC 78; create consistent requirements for environmental work, regardless of whether it is an underground storage tank site or a contaminated site; and simplify the requirements for qualified environmental professionals engaged in conducting this type of work.
Soil Treatment Facility Guidance	The 2013 updated version, Operational Requirements for Soil Treatment Facilities received the following housekeeping changes:	Housekeeping changes. The current version of the Soil Treatment Facility

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	<ol style="list-style-type: none"> 1. New title removing the word, “guidance” to eliminate the perception that the procedures are optional. 2. Removal of the text, “such as those existing in Anchorage, Fairbanks, Kodiak, or Juneau.” as this is no longer accurate; and 3. Updated formatting. 	<p>Guidance dates back to November 2002.</p>