

**NOTICE OF PROPOSED CHANGES ON PUBLIC WATER SYSTEMS
IN THE REGULATIONS OF DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

BRIEF DESCRIPTION

The Department of Environmental Conservation proposes to adopt by reference the federal Revised Total Coliform Rule, repeal the state's regulatory requirements for Class C public water systems, and revise the drinking water emergency preparedness regulations.

The Department of Environmental Conservation proposes to adopt regulation changes in 18 AAC 80 of the Alaska Administrative Code, dealing with Drinking Water, including the following:

- Repeal and readopt 18 AAC 80.010(a) adoptions by reference of the Code of Federal Regulations (CFR) to add the Revised Total Coliform Rule (RTCR), including related definitions; add alternative analytical methods for laboratory testing; reorganize and renumber the provisions to align numerically with the CFR citations; and update the CFR version dates to 2015.
- Amend 18 AAC 80.020, 18 AAC 80.200, and 18 AAC 80.205, and repeal 18 AAC 80.310(c), 18 AAC 80.1910(b)(4), and 18 AAC 80.1990(a)(14) to repeal the regulatory requirements for Class C Public Water Systems.
- Amend 18 AAC 80.055 on emergency preparedness requirements to change the submittal date of required documents, allow department waiver or revision of plan requirements for certain water systems, and allow an "authorized representative" to submit documents.
- Amend 18 AAC 80.310 on coliform sampling requirements for water haul systems and rain catchment systems.
- Amend 18 AAC 80.355 to update notification procedures.
- Amend 18 AAC 80 Article 4 on coliform bacteria requirements by adding new sections for the assessments requirements of RTCR.
- Amend 18 AAC 80.400 to clarify applicability of the requirements.
- Repeal and readopt 18 AAC 80.405, 18 AAC 80.410, 18 AAC 80.415, 18 AAC 80.420, and 18 AAC 80.425 to reflect the CFR adoption by reference of RTCR provisions and add clarifying details for routine monitoring, sample siting plans, repeat monitoring, coliform testing and laboratory reporting, and invalidation of total coliform samples.
- Amend 18 AAC 80.430, 18 AAC 80.438, and 18 AAC 80.439 to update and clarify requirements for sanitary surveys and sanitary survey inspectors.
- Repeal 18 AAC 80.440 on standard sample volume because standard sample volume is already included in a CFR provision adopted by reference.
- Amend 18 AAC 80.1990(a) by revising, adding, and repealing definitions related to RTCR and Class C public water systems, including revisions to definitions for "private water system" and "public water system."
- Other conforming changes that reflect the changes noted above and technical corrections to make the regulations internally consistent, including revising and clarifying wording, correcting and updating cross references, and deleting outdated Statutory Authority citations.

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 Gloria Collins, Regulations Specialist, Drinking Water Program, Department of Environmental Conservation, 555 Cordova Street, Anchorage, AK 99501. Additionally, the Department of Environmental Conservation will accept comments by electronic mail at decehdw.publiccommentsregs@alaska.gov. Alternatively, 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 4:30 p.m. on August 9, 2016

You may submit written questions relevant to the proposed action to Gloria Collins, Regulations Specialist, Drinking Water Program, Department of Environmental Conservation, 555 Cordova Street, Anchorage, AK 99501 or by e-mail to gloria.collins@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 Department of Environmental Conservation website at <http://dec.alaska.gov/eh/dw/index.htm>.

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 not later than July 29, 2016, 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 Kathy Blomquist by mail at the address above, by email at kathy.blomquist@alaska.gov, or by phone at 907-269-3068.

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.

Statutory authority: AS 44.46.020; AS 46.03.020

Statutes being implemented, interpreted, or made specific: AS 44.46.025; AS 46.03.010; AS 46.03.020; AS 46.03.050; AS 46.03.710; AS 46.03.720; AS 46.03.761; AS 46.03.850

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

Date: July 1, 2016



Larry Hartig, Commissioner

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Environmental Conservation
2. General subject of regulation: Drinking Water Standards
3. Citation of regulation (may be grouped): 18 AAC 80
4. Department of Law file number, if any: JU2016200194

5. Reason for the proposed action:
 - (X) Compliance with federal law or action (identify): Revised Total Coliform Rule (RTCR)
 - () Compliance with new or changed state statute
 - () Compliance with federal or state court decision (identify): _____
 - (X) Development of program standards
 - () Other (identify): _____

6. Appropriation/Allocation: Environmental Health Division, Drinking Water Program

7. Estimated annual cost to comply with the proposed action to:
 - a. Private Persons: The Revised Total Coliform Rule applies to public water systems, including systems owned by private persons. The Rule results in an annual cost increase for approximately 277 seasonal public water systems statewide that are not pressurized year-round. These systems must take one new coliform sample at the start of each operating season at an estimated cost of \$35 - \$100 per sample, not including shipping and handling charges. There are no other estimated annual costs that can be identified.

The repeal of Class C public water system regulatory requirements eliminates the one-time registration fee of \$75 for a new Class C system, as well as eliminating any other costs incurred by Class C water systems under 18 AAC 80, because these water systems are being classified as “private” water systems.

 - b. Another state agency: There are no identifiable costs.

 - c. Municipalities: Municipalities and local governments, including tribal governments, that own a public water system or a Class C water system have the potential to be affected as described under section “a” above (Private Persons), and they are included in the number of water systems noted under “a” as impacted by the Revised Total

Coliform Rule. Please refer to section "a" for the description of potential cost increases and cost savings along with their applicability.

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

	Initial Year FY <u>17</u>	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ <u>0</u>	\$ <u>0</u>
1003 General fund match	\$ <u>0</u>	\$ <u>0</u>
1004 General fund	\$ <u>0</u>	\$ <u>0</u>
1005 General fund/ program	\$ <u>0</u>	\$ <u>0</u>
Other (identify)	\$ <u>0</u>	\$ <u>0</u>

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

Name: Gloria Collins
Title: Regulations Specialist
Address: 555 Cordova St., Anchorage, AK 99501
Telephone: 907-269-3075
E-mail address: gloria.collins@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: July 1, 2016 Prepared by: _____ /s/

Name: Jeff Warner
Title: Environmental Program Manager
Telephone: 907-269-7639