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 change regulations pertaining to how risk is calculated and risk assessments are performed at contaminated sites.

The Alaska Department of Environmental Conservation proposes to adopt regulation changes in Title 18, Chapter 75 of the Alaska Administrative Code, dealing with how risk is calculated and risk assessments are performed, including the following:

(1) 18 AAC 75.325(h) is proposed to be changed as follows:

Remove a reference to 40 C.F.R. 300.430 and accompanying language that allows the department to consider an alternative cancer risk standard between 1 in 10,000 and 1 in 1,000,000 on a site-specific basis at a contaminated site during a formal risk assessment. The intended effect of this change is to ensure continued use of the currently adopted cancer risk standard of 1 in 100,000 for all site-specific risk assessments.

(2) 18 AAC 75.340(f) is proposed to be changed as follows:

Provide an updated 2015 version of the department's Risk Assessment Procedures Manual and adopt it by reference. The intended effect is to provide an updated process for conducting risk assessments that incorporates the latest science and toxicity information. The current version adopted by reference dates to 2000.

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. 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. **Comments must be received by 5:00 p.m. on July 27, 2015**. 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 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/csp/reg_rev.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 Natalie Wolfe at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 no later than July 22, 2015 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/csp/reg_rev.htm 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 46.03.020	AS 46.03.740	AS 46.04.020
AS 46.03.050	AS 46.03.745	AS 46.04.070
AS 46.03.710	AS 46.03.822	AS 46.09.020

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

Dated: June 10, 2015
Anchorage, Alaska

Larry Hartig, Commissioner

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: JU2015200191

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)
   (X) Development of program standards
   ( ) Other (identify):

6. Appropriation/Allocation: Spill Prevention and Response (AR48500)/Contaminated Sites Program (AR 48502)

7. Estimated annual costs in the aggregate to comply with the proposed action to:
   Private Persons: No additional costs.
   Other State Agencies: No additional costs.
   Municipalities: No additional costs.

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

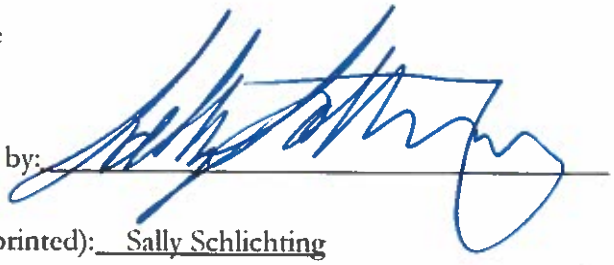
	Initial Year FY 2016	Subsequent Years
Operating Cost	$ 0	$ 0
Capital Cost	$ 0	$ 0
1002 Federal receipts	$ 0	$ 0
1003 General fund match	$ 0	$ 0
1004 General fund	$ 0	$ 0
1005 General fund/ program	$ 0	$ 0
1037 General fund/mental health	$ 0	$ 0
Other (Response Fund)	$ 0	$ 0

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:
__X__ Staff of state agency
__X__ Federal government
_____ General public
_____ Petition for regulation change
_____ Other (identify)

11. Date: June 10, 2015

Prepared by: 

Name (printed): Sally Schlichting
Title (printed): Unit Manager for Technical Services, Policy and Regulations
Telephone: (907) 465-5076