



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Environmental Conservation

DIVISION OF ENVIRONMENTAL HEALTH
Drinking Water Program

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<http://dec.alaska.gov/eh/dw.aspx>

May 10, 2018

Dear Interested Person:

The Alaska Department of Environmental Conservation (DEC) is proposing to amend its Drinking Water Regulations, 18 AAC 80, for public water systems.

The Department of Environmental Conservation proposes to change regulations on drinking water. The amendments include correction of typos, correction of grammatical errors, corrections to citations of statutory authority, updated cross references, and updated terminology throughout the chapter. The amendments also include clarifications and re-statements of existing sections throughout the chapter to make the resulting sections more clear, readable, and understandable. Other substantive changes are also made throughout the chapter.

Outlined below is a brief summary of the proposed changes:

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- 18 AAC 80.010(b)(8) repeals an out of date publication.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 results for 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 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.

Although we have summarized the proposed changes above, you should read the draft regulations themselves to be sure that you are familiar with all the proposed changes. 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.

Your comments on the proposed regulation changes will be greatly appreciated. To be considered, your comments must be received by mail or e-mail at the mailing address or email address noted in the enclosed Public Notice no later than 5:00 p.m. on June 15, 2018.

We will respond to questions that are relevant to the proposed changes if the questions are received in writing at least ten days before the end of the public comment period. If questions are submitted after that, we may, but we are not required to, respond to those questions. The questions and answers will be available on the Department of Environmental Conservation's website at <http://dec.alaska.gov/eh/dw.aspx>. One consolidated answer may be provided for a group of questions that are similar, as appropriate.

We do not respond individually to comments on proposed regulations changes. After we have a chance to review the written comments received and then consider them in deciding what changes (if any) to make in our regulations, we will prepare a summary of the comments and our responses to them, which will be mailed to everyone who submits a timely written comment on the proposed changes and provides a return mailing address. Individual commenters will not be identified in the summary; however, the comments themselves are public records subject to public inspection.

Thank you in advance for taking time to review and comment on the proposed regulatory changes. Tips for commenting effectively on proposed regulations can be found on our website at <http://dec.alaska.gov/commish/regulations/how-to-comment-faq/>.

Sincerely,



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Drinking Water Program



Jeff Warner
Program Manager
Drinking Water Program

Enclosures:

- Public Notice, 18 AAC 80
- Additional Regulations Notice Information, 18 AAC 80