

NOTICE OF PROPOSED CHANGES ON
WASTEWATER TREATMENT AND DISPOSAL IN THE
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation (ADEC) is proposing significant revisions to 18 AAC 72 Wastewater Treatment and Disposal Regulations. The wastewater regulations were reorganized, including a major expansion in permit-by-rule processes which allows more wastewater systems to be installed without prior approval from the department.

The Alaska Department of Environmental Conservation proposes to adopt regulation changes in Title 18, Chapter 72 of the Alaska Administrative Code, dealing with wastewater treatment and disposal. The organization of the articles and sections within 18 AAC 72 are revised to provide better clarity of regulatory requirements by system type. The following provides a summary of the proposed changes.

Article I was rewritten to better encompass overall, broad requirements for both domestic and nondomestic wastewater systems and private water systems. Sections were reorganized for clarity with a section specific to private water systems. New sections are added to clarify the validity of approvals and registration documentations and clarify what constitutes system failure.

Article II involving plan reviews has been expanded to apply to both domestic and nondomestic wastewater system plan review requirements. The sections have been reorganized to better align requirements by system type. Added a section to better address items that do not require plan approval and includes a new process that would allow utilities to expand or replace collection system piping without plan approval.

Article IV involving the certification of installers and approval of homeowners has been reorganized to focus exclusively on the certification and training requirements. Other items, including fees and the requirements for notification, have been moved to other articles.

Article V is proposed to change its focus to address conventional wastewater systems to include separation distance requirements, construction standards, which systems do or don't require prior plan approval and the procedures involved. The changes include applying 24 hour notifications to all system installations that don't require prior plan approval while increasing the number of systems that can be installed without plan approval. The changes would allow certified installers to install more systems under their certification and perform percolation tests for systems installed under their certification. New sections include a defined "after-the-fact" process for systems that were installed without approval, changes in use, or were not documented as required.

Article VI is proposed to change its focus to address alternative wastewater systems. Under the proposed changes, select systems may be installed without prior plan approval. These are limited to systems that are considered low-risk and have become relatively common and established standard sanitary engineering that will be incorporated into department published best management practices for these systems.

Article VII changes include updates to the fee sections, relocates fees for approved homeowner and

certified installers, and removes columns in Table C, D, and E referencing prior year fee increases. The fees for domestic and nondomestic wastewater systems plan reviews are proposed to be the same to create consistency. The definitions have been updated with some new definitions, elimination of terms not commonly used, and reorganized to be alphabetical.

The proposed regulations also modifies 18 AAC 60.040 and 18 AAC 80.020 for consistency in separation distance requirements.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, at this link <https://water.alaskadec.commentinput.com/?id=rtFfj>. Written comments may also be submitted to Tonya Bear, DEC Division of Water at 610 University Avenue, Fairbanks, Alaska, 99709. Additionally, DEC will accept comments by facsimile at (907) 451-2188 and by electronic mail at tonya.bear@alaska.gov. The comments must be received no later than 11:59 pm on February 18, 2022.

You may provide oral comments relevant to the proposed action **via telephone** at a public hearing to be held on Feb 3, 2022, **by calling 907-315-6338, phone conference ID 76351. Due to public health and safety concerns associated with the COVID-19 pandemic, there will not be in-person attendance provided at the hearing site, so please prepare to share your oral comments by telephone only.** The hearing is scheduled from 4 p.m. to 6 p.m. and priority will be given to commenters on the line before the beginning of the hearing. The hearing may be extended to accommodate those on the line before 5:30 p.m., who did not have an opportunity to comment.

You may submit written questions relevant to the proposed action to Tonya Bear by electronic mail at Tonya.Bear@alaska.gov or to Tonya Bear, DEC Division of Water at 610 University Avenue Fairbanks, Alaska 99709. All questions must be received at least 10 days before the end of the public comment period. DEC will aggregate its response to substantially similar questions and make the questions and responses available on https://dec.alaska.gov/water/wastewater/engineering/2022/Regulations_Update. DEC 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 to participate in this process, please contact Brian Blessington at (907) 269-7660 or TDD Relay Service 1-800-770-8973 /TTY or dial 711 no later than January 20, 2022 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes are available on the Alaska Online Public Notice System and by contacting Tonya Bear, tonya.bear@alaska.gov or (907) 451-2177. A copy of material proposed for adoption may be viewed at the agency's office locations in Fairbanks, Wasilla, Anchorage, Soldotna, and Juneau.

After the public comment period ends, DEC 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 37.10.052; AS 44.46.020; AS 44.46.025; AS 46.03.020; AS 46.03.050; AS 46.03.060; AS 46.03.070; AS 46.03.080; AS 46.03.100; AS 46.03.110; AS 46.03.120; AS 46.03.365; AS 46.03.710; AS 46.03.720; AS 46.30.040

Statutes Being Implemented, Interpreted, or Made Specific: AS 46.03.010; AS 46.03.060; AS 46.03.100; AS 46.03.110; AS 46.03.120; AS 46.03.365; AS 46.03.710; AS 46.03.720; AS 46.30.040

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

January 6, 2022

Jason W. Brune, Commissioner