

WATER QUALITY STANDARDS: PROPOSED CHANGES IN THE
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation (DEC), Division of Water proposes to amend regulations in 18 AAC 70 of the Alaska Administrative Code, dealing with state water quality standards. DEC is proposing multiple amendments and adoption of new language to clarify how state water quality standards—including residues, mixing zones in spawning areas, mercury, and manganese—will be interpreted and implemented in state water pollution control programs.

DEC proposes to adopt regulation changes in Title 18, Chapter 70 of the Alaska Administrative Code dealing with water quality standards. DEC proposes to amend the standard at 18 AAC 70.020(b) for the regulation of residues in fresh and marine waters; repeal language at 18 AAC 70.240(g)(2), (3), and (4) for the regulation of mixing zones in a spawning area for certain species; amend mercury criteria for the protection of aquatic life in the *Alaska Water Quality Criteria Manual for Toxic and Other Deleterious Organic and Inorganic Substances* (2008), adopted by reference at 18 AAC 70.020(b)(11) and 18 AAC 70.020(b)(23); and amend manganese criteria for the protection of human health in the *Alaska Water Quality Criteria Manual for Toxic and Other Deleterious Organic and Inorganic Substances* (2008), adopted by reference at 18 AAC 70.020(b)(11) and 18 AAC 70.020(b)(23).

You may comment on the proposed regulation changes through the Alaska Online Public Notice System, by accessing this notice on the system and using the “comment” link and using the comment function on the department’s Smart Comment web page for this regulation project. Written comments may also be submitted to Brock Tabor, DEC Division of Water at 410 Willoughby Avenue, Suite 303. P.O. Box 111800, Juneau, Alaska 99811-1800, or by electronic mail at brock.tabor@alaska.gov. The comments must be received no later than 11:59 p.m. on **July 25, 2022**. Comments submitted by a delivery service or by U.S. mail must be received on or before the due date.

Oral or written comments also may be submitted at a hearing to be held virtually on **June 9, 2022** instructions for attending can be found at <https://dec.alaska.gov/water/water-quality/standards/recent-activities/>. There will not be in-person attendance provided at the hearing site, so please prepare to share your oral comments virtually. This public meeting and 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 Brock Tabor by electronic mail at brock.tabor@alaska.gov or to Water Quality Standards Section, DEC Division of Water at 410 Willoughby Avenue, Suite 303. P.O. Box 111800, Juneau, Alaska 99811-1800. 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 at <https://dec.alaska.gov/water/water-quality/standards/recent-activities/>.

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 in order to participate in this process, please contact Claire Fishwick at (907) 465-5871 or TDD Relay Service 1-800-770-8973/TTY or dial 711 no later than June 6, 2022 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Brock Tabor, brock.tabor@alaska.gov or (907) 465-5185. A copy of material proposed for adoption by reference may be viewed at the agency's office at 410 Willoughby Ave, Suite 303, P.O. Box 111800, Juneau, Alaska 99811.

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 46.03.020; AS 46.03.050; AS 46.03.070; AS 46.03.080; AS 46.03.100; AS 46.03.110; AS 46.03.710;

Statutes Being Implemented, Interpreted, or Made Specific: AS 46.03.010; AS 46.03.070; AS 46.03.080; AS 46.03.100; AS 46.03.710; AS 46.03.720

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

[DATE]

Jason W. Brune, Commissioner

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

- 1. Adopting agency: Department of Environmental Conservation
- 2. General subject of regulation: Water Quality Standards
- 3. Citation of regulation (may be grouped): 18 AAC 70
- 4. Department of Law file number, if any 2021200362
- 5. Reason for the proposed action:
 - Compliance with federal _____
 - Compliance with new or changed state statute
 - Compliance with Federal or state court decision (identify) _____
 - Development of program standards
 - Other: (please list) Establish consistency between state and federally-approved water quality regulations

6. Appropriation/Allocation: Water Division, Water Quality Standards Program

- 7. Estimated annual costs in the aggregate to comply with the proposed action to:
 - Private Persons: _____
 - Other State Agencies: _____
 - Municipalities: _____

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

	Initial Year	Subsequent
	FY 2022	Years
Operating Cost	\$ _____	\$ _____
Capital Cost	\$ _____	\$ _____
1002 Federal receipts	\$ _____	\$ _____
1003 General fund match	\$ _____	\$ _____
1004 General fund	\$ _____	\$ _____
1005 General fund/ Program	\$ _____	\$ _____
1037 General fund/ Mental health	\$ _____	\$ _____
Other	\$ _____	\$ _____

9. The name of the contact person for the regulations:
Name Brock Tabor, Division of Water

Title EPS IV

Address 410 Willoughby Ave. JNU, AK

Telephone (907)465-5185

E-mail address brock.tabor@alask.gov

10. The origin of the proposed action:

Staff of state agency

Federal government

General public

Petition for regulation change

Other (identify) _____

11. Date: _____ Prepared by: _____

[Signature]

Name (printed) Brock Tabor

Title (printed) Water Quality Standards Coordinator

Telephone: (907) 465-5185