

**State of Alaska**

**DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION  
DIVISION OF WATER**



**18 AAC 70**

**Water Quality Standards**

*Draft Amendments*

*Public Comment Version April XX, 2022*

The Department of Environmental Conservation proposes to amend or adopt new regulations in Title 70 of the Alaska Administrative Code dealing with state water quality standards, including the following:

18 AAC 70.020(b)(8) is amended to read:

<b>Water Quality Standards for Designated Uses</b>	
POLLUTANT & WATER USE	CRITERIA
<p><b>(8) RESIDUES, FOR FRESH WATER USES: Floating solids, debris, sludge, deposits, foam, scum, or other residues (criteria are not applicable to groundwater)</b></p> <p>[(SEE NOTE 13)]</p>	
<p>(A) Water Supply</p> <p>(i) drinking, culinary, and food processing</p>	<p>[RESIDUES ARE NOT ALLOWED IN SURFACE WATERS OF THE STATE, IN CONCENTRATIONS OR AMOUNTS THAT HAVE THE FOLLOWING EFFECTS</p> <ul style="list-style-type: none"> <li>○ MAY IMPAIR DESIGNATED USES;</li> <li>○ CAUSE NUISANCE OR OBJECTIONABLE CONDITIONS;</li> <li>○ RESULT IN UNDESIRABLE OR NUISANCE SPECIES; OR</li> <li>○ PRODUCE OBJECTIONABLE ODOR OR TASTE.]</li> </ul>

	<p><b><u>May not, alone or in combination with other substances or wastes, make the water unfit or unsafe for the use; cause a film, sheen, or discoloration on the surface of the water or adjoining shorelines; cause leaching of toxic or deleterious substances; or cause a sludge, solid, or emulsion to be deposited beneath or upon the surface of the water, within the water column, on the bottom, or upon adjoining shorelines.</u></b></p>
<p>(A) Water Supply  (ii) agriculture, including irrigation and stock watering</p>	<p>[SAME AS (8)(A)(i).] <b><u>May not be present in quantities to cause soil plugging or reduced crop yield, or to make the water unfit or unsafe for the use.</u></b></p>
<p>(A) Water Supply  (iii) aquaculture</p>	<p>[SAME AS (8)(A)(i)] <b><u>May not, alone or in combination with other substances or wastes, make the water unfit or unsafe for the use.</u></b></p>
<p>(A) Water Supply  (iv) industrial</p>	<p>Same as [(8)(A)(i)] <b><u>(8)(A)(iii).</u></b></p>
<p>(B) Water Recreation  (i) contact recreation</p>	<p>Same as (8)(A)(i).</p>
<p>(B) Water Recreation  (ii) secondary recreation</p>	<p>Same as (8)(A)(i).</p>
<p>(C) Growth and Propagation of Fish, Shellfish, Other Aquatic Life, and Wildlife</p>	<p>[RESIDUES ARE NOT ALLOWED IN SURFACE WATERS OF THE STATE, IN CONCENTRATIONS OR AMOUNTS THAT HAVE THE FOLLOWING</p>

	<p>EFFECTS</p> <ul style="list-style-type: none"><li>○ MAY IMPAIR DESIGNATED USES;</li><li>○ CAUSE NUISANCE OR OBJECTIONABLE CONDITIONS; OR</li><li>○ RESULT IN UNDESIRABLE OR NUISANCE SPECIES.]</li></ul> <p><b><u>May not, alone or in combination with other substances or wastes, make the water unfit or unsafe for the use, or cause acute or chronic problem levels as determined by bioassay or other appropriate methods. May not, alone or in combination with other substances, cause a film, sheen, or discoloration on the surface of the water or adjoining shorelines; cause leaching of toxic or deleterious substances; or cause a sludge, solid, or emulsion to be deposited beneath or upon the surface of the water, within the water column, on the bottom, or upon adjoining shorelines.</u></b></p>
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18 AAC 70.020(b)(20) is amended to read:

<b>Water Quality Standards for Designated Uses</b>	
POLLUTANT & WATER USE	CRITERIA
<p>(20) RESIDUES, FOR MARINE WATER USES:  Floating solids, debris, sludge, deposits, foam, scum, or other residues [(SEE NOTE 13)]</p>	
<p>(A) Water Supply  (i) aquaculture</p>	<p>[RESIDUES ARE NOT ALLOWED IN SURFACE WATERS OF THE STATE, IN CONCENTRATIONS OR AMOUNTS THAT HAVE THE FOLLOWING EFFECTS</p> <ul style="list-style-type: none"> <li>○ MAY IMPAIR DESIGNATED USES;</li> <li>○ CAUSE NUISANCE OR OBJECTIONABLE CONDITIONS;</li> <li>○ RESULT IN UNDESIRABLE OR NUISANCE SPECIES; OR PRODUCE OBJECTIONABLE ODOR OR TASTE.]</li> </ul> <p><b><u>May not, alone or in combination with other substances or wastes, make the water unfit or unsafe for the use. May not cause detrimental effects on established water supply treatment levels.</u></b></p>

<b>Water Quality Standards for Designated Uses</b>	
(A) Water Supply  (ii) seafood processing	[SAME AS (20)(A)(i).] <b><u>May not, alone or in combination with other substances or wastes, make the water unfit or unsafe for the use; cause a film, sheen, or discoloration on the surface of the water or adjoining shorelines; cause leaching of toxic or deleterious substances; or cause a sludge, solid, or emulsion to be deposited beneath or upon the surface of the water, within the water column, on the bottom, or upon adjoining shorelines.</u></b>
(A) Water Supply  (iii) industrial	[SAME AS (20)(A)(i).] <b><u>May not, alone or in combination with other substances or wastes, make the water unfit or unsafe for the use.</u></b>
(B) Water Recreation  (i) contact recreation	Same as [(20)(A)(i)] <b>(20)(A)(ii)</b> .
(B) Water Recreation  (ii) secondary recreation	Same as [(20)(A)(i)] <b>(20)(A)(ii)</b> .

<b>Water Quality Standards for Designated Uses</b>	
<p>(C) Growth and Propagation of Fish, Shellfish, Other Aquatic Life, and Wildlife</p>	<p>[RESIDUES ARE NOT ALLOWED IN SURFACE WATERS OF THE STATE, IN CONCENTRATIONS OR AMOUNTS THAT HAVE THE FOLLOWING EFFECTS</p> <ul style="list-style-type: none"> <li>○ MAY IMPAIR DESIGNATED USES;</li> <li>○ CAUSE NUISANCE OR OBJECTIONABLE CONDITIONS; OR</li> <li>○ RESULT IN UNDESIRABLE OR NUISANCE SPECIES .]</li> </ul> <p><b><u>May not, alone or in combination with other substances or wastes, make the water unfit or unsafe for the use, or cause acute or chronic problem levels as determined by bioassay or other appropriate methods. May not, alone or in combination with other substances, cause a film, sheen, or discoloration on the surface of the water or adjoining shorelines; cause leaching of toxic or deleterious substances; or cause a sludge, solid, or emulsion to be deposited beneath or upon the surface of the water, within the water column, on the bottom, or upon adjoining shorelines.</u></b></p>

<b>Water Quality Standards for Designated Uses</b>	
(D) Harvesting for Consumption of Raw Mollusks or Other Raw Aquatic Life	[SAME AS (20)(A)(i).] <b><u>May not make the water unfit or unsafe for the use; cause a film, sheen, or discoloration on the surface of the water or adjoining shorelines; cause leaching of toxic or deleterious substances; or cause a sludge, solid, or emulsion to be deposited beneath or upon the surface of the water, within the water column, on the bottom, or upon adjoining shorelines.</u></b>

18 AAC 70.020(b) NOTE 5 is amended to read:

5. Wherever cited in this subsection, the Alaska Water Quality Criteria Manual means the Alaska Water Quality Criteria for Toxic and Other Deleterious Organic and Inorganic Substances, dated {*adoption date of regulations*} [DECEMBER 12, 2008], adopted by reference in this subsection.

18 AAC 70.020(b) NOTES is amended to repeal note 13 in its entirety:

13. [CONSIDERATIONS IN DECIDING WHAT CONSTITUTES A NUISANCE OR AN OBJECTIONABLE CONDITION, AN UNDESIRABLE OR NUISANCE SPECIES, OR OBJECTIONABLE ODOR OR TASTE, INCLUDE WHETHER THE PRESENCE OF RESIDUE

(A) RESULTS IN COMPLAINTS FROM EXISTING USERS; OR

(B) IS CONSISTENT WITH THE INTENDED USE OF THE AREA AS

DESIGNATED IN A LAND USE OR OTHER RESOURCE MANAGEMENT



(Eff. 11/1/97, Register 143; am 4/29/99, Register 150; am 5/27/99, Register 150; am 6/22/2003, Register 166; am 6/13/2006, Register 178; am 9/1/2006, Register 179; am 9/19/2009, Register 191; am 5/26/2011, Register 198; am 2/19/2016, Register 217; am 2/5/2017, Register 221; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 46.03.020 AS 46.03.070 AS 46.03.080  
AS 46.03.050

18 AAC 70.240(g) is amended by repealing the paragraphs at (2), (3), and (4):

(g) The department may authorize a mixing zone in a spawning area of a lake, stream, river, or other flowing fresh water for the species listed in (f) of this section if

[(1)] after consultation with the Department of Fish and Game, the department finds that the applicant has demonstrated that the discharge

(A) does not contain pollutants at concentrations that exceed the criteria for growth and propagation of fish, shellfish, other aquatic life, and wildlife established in 18 AAC 70.020(b)(1) - (12); and

(B) will not adversely affect the capability of the area to support future spawning, incubation, and rearing activities;

[(2) THE APPLICANT HAS SUBMITTED TO THE DEPARTMENT A MITIGATION PLAN APPROVED BY THE DEPARTMENT OF FISH AND GAME UNDER 5 AAC 95.900 IF THE SPAWNING AREA IS WITHIN A SPECIAL AREA;]

[(3) THE APPLICANT HAS SUBMITTED TO THE DEPARTMENT A MITIGATION PLAN APPROVED BY THE DEPARTMENT OF FISH AND GAME UNDER AS 16.05.871 - 16.05.901, IF THE SPAWNING AREA IS WITHIN WATERS INCLUDED IN THE CATALOG OF WATERS IMPORTANT FOR SPAWNING, REARING OR MIGRATION OF

DEPARTMENT WILL INCORPORATE THE MITIGATION PLAN AS PART OF THE DISCHARGE AUTHORIZATION; OR]

[(4) THE APPLICANT HAS SUBMITTED TO THE DEPARTMENT A MITIGATION PLAN APPROVED BY THE DEPARTMENT, AFTER CONSULTATION WITH THE DEPARTMENT OF FISH AND GAME, IF THE SPAWNING AREA IS NOT WITHIN WATERS DESCRIBED IN (2) OR (3) OF THIS SUBSECTION; THE MITIGATION PLAN MUST USE MEASURES DESCRIBED IN THE CATALOG OF WATERS IMPORTANT FOR SPAWNING, REARING OR MIGRATION OF ANADROMOUS FISHES, ADOPTED BY REFERENCE IN 5 AAC 95.011; THE DEPARTMENT WILL INCORPORATE THE MITIGATION PLAN AS PART OF THE DISCHARGE AUTHORIZATION.] (Eff. 11/1/97, Register 143; am 3/23/2006, Register 177) ; am \_\_/\_\_/\_\_\_\_, Register \_\_\_\_\_)

<b>Authority:</b>	AS 46.03.010	AS 46.03.080	AS 46.03.720
	AS 46.03.020	AS 46.03.100	
	AS 46.03.050	AS 46.03.110	
	AS 46.03.070	AS 46.03.710	