

CLEANUP LEVEL AMENDMENTS
ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Alaska Department of Environmental Conservation
2. General subject of regulation: Contaminated Site Cleanup Rules
3. Citation of regulation (may be grouped): 18 AAC 75
4. Department of Law file number, if any: JU2015200567
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: The proposed regulation amendments are not expected to require an increased appropriation.
7. Estimated costs in the aggregate to comply with the proposed action to:

a. Private Persons. This group encompasses the general public, homeowners, and private businesses.

General Public: There are no increased costs to private persons or businesses who are not involved in contaminated sites. There may be reduced or avoided costs as a result of safer levels in soil and groundwater, especially for the most sensitive receptors – children – and reduced risk for cancer and non-cancer illnesses.

Homeowners are unlikely to incur additional costs, as the majority of residential cleanups relate to petroleum contamination and the cleanup levels for petroleum hydrocarbons are not changing.

Private Businesses with contaminated site issues: Private businesses with contaminated groundwater are more likely to face additional costs than sites only with contaminated soil, as a greater number of cleanup levels for groundwater are becoming more stringent. These costs may materialize as increased expenses to operate treatment systems for a longer period of time; conduct additional groundwater monitoring; and to achieve lower detection limits (PQLs).

Environmental consulting firms will experience short-term incremental learning costs (cost of familiarizing with regulation/compliance planning) which they may pass on to clients. These learning costs include a modest amount of time to understand new cleanup criteria; learn new online calculator tools that replace outdated versions used to develop alternative cleanup levels and calculate cumulative risk; additional analysis to determine whether certain regulatory requirements may apply at certain sites, such as how expanded language requiring agreement from impacted property owners to maintain institutional controls may apply on a site specific basis; and becoming familiar with two updated guidance documents, mainly as they apply to calculating alternative cleanup levels under Method 3.

b. Other State Agencies. There will be no increase costs to the majority of state agencies and their operations. However there will be a slight increase in contracting costs for state agencies that manage state-owned sites and facilities with groundwater contamination where additional years of monitoring may be required due to more stringent cleanup levels. In addition, increased costs to achieve lower PQLs may be required for certain analytes, particularly in groundwater.

c. Municipalities. There will be an incremental increase in direct costs for municipalities with contaminated sites and municipally owned landfills. These costs include staff oversight time and contracting costs associated with monitoring and cleanup, especially where additional years of groundwater monitoring may be required due to more stringent cleanup levels. In addition, increased costs to achieve lower PQLs may be required for certain analytes, particularly in groundwater.

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

	Initial Year	Subsequent
	FY 2016	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:

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10. The origin of the proposed action:

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

11. Date: August 26, 2015

Prepared by: 

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