

Response to Comments Addendum
Proposed Revisions to 18 AAC 75 Site Cleanup Rules
September 12, 2008

In September 2007 the Alaska Department of Environmental Conservation (DEC) released proposed revisions to the 18 AAC 75 site cleanup rules for a 30-day public comment period. The comment period ended on October 22, 2007 but was extended to November 30, 2007 upon stakeholder request.

Comments were received from the Federal Aviation Administration, U.S. Coast Guard, consolidated Department of Defense (DoD) agencies, Municipality of Anchorage, Marathon Oil, ConocoPhillips, Alaska Oil and Gas Association, Solid Waste Association of North America, Alaska Department of Transportation and Public Facilities (ADOT&PF), and several private consultants and other individuals.

The proposed regulations were adopted by DEC and forwarded to the Department of Law for legal review in mid-June 2008. A response to comments was provided to stakeholders at that time.

The purpose of this addendum is to inform stakeholders of final substantive modifications to the regulations. The regulations were recently filed at the Lieutenant Governor's Office and will become effective October 9, 2008.

1. Migration to Groundwater Cleanup Level Equations (11 through 14) – Cleanup Levels Guidance: A fixed dilution factor was initially proposed. A technical modification (bolding) was made to the dilution factor equation (13) to allow for the input of site specific data for method three or method four cleanup level evaluations. The mixing zone remains fixed at 5.5 meters but all other input parameters may be modified site-specifically. The soil-water partitioning equation technical memorandum has been updated to reflect this change and is available for reference on the Contaminated Sites web page.
2. “Ten-Times” Groundwater Rule: With the repeal of the 18 AAC 75.345(b)(2) ten-times rule, flexibility was reduced when determining the Table C cleanup levels point of compliance. The repealed ten-times rule states that Table C cleanup levels must be met at the property boundary in an area where the current or reasonably expected future use of groundwater in the neighboring property is determined to be a source of drinking water. This text was re-inserted into 18 AAC 75.345(e). This means that Table C levels do not necessarily have to be met at the property boundary if the current or reasonably expected future use of groundwater in the neighboring property is determined **not** to be a source of drinking water. The point of compliance in these situations is a site-specific decision based on multiple factors.
3. Qualified Person Definition: The proposed revision to the qualified person definition to allow for specific experience in lieu of a college degree has been withdrawn. The Department of Law determined that DEC did not provide adequate notice to the public about this proposed revision. The proposed definition change will undergo public comment a second time with the next regulation updates in approximately nine months to a year.