



18 AAC 75

Cleanup Level Amendments

2nd public comment period

Public Workshop – Anchorage

June 8, 2016

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Outline

- Update
 - Workshop Objective
 - Summary of Proposed Amendments to 18 AAC 75
 - Changes made in response to public comments
 - Next Steps
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Update

- ▶ Public comment on Proposed changes to 18 AAC 75
 - ▶ August 26 through November 26, 2015
 - ▶ Extended to December 11, 2015
 - ▶ Three public workshops were held
 - ▶ DEC responded to 40 questions submitted by the public
- ▶ Comments were received from 20 parties
- ▶ Responses drafted and changes made over the following months
- ▶ Revised regulations are now out for a second public comment period

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Our Objective for this Workshop is to:

- ▶ Provide a summary of the proposed changes
- ▶ Discuss what changes have been made
- ▶ Hear your concerns
- ▶ Get your questions answered
- ▶ Describe the next steps in the process

SPAR REGULATIONS WEB PAGES

State of Alaska > DEC > SPAR > Regulation Projects

SPAR REGULATION PROJECTS

Welcome to the SPAR Regulations page. This page is designed to help you navigate important information concerning regulations projects with the division. Our goal is to provide a concise overview of information on the main page with links to detailed information for each regulatory package listed.

RESOURCES

- ★ Regulations
- ★ Statutes
- ★ How to comment on regulations

Current Proposed Regulations

▶ **Contaminated Sites Regulation Project**
Proposed Cleanup Level Amendments for 18 AAC 75.

Comment Period Open

▶ **Contaminated Sites Regulation Project**
Notice of Public Scoping for Possible Updates and Revisions to 18 AAC 78.

Comment Period Ended

Closed Proposed Regulations

▶ **Contaminated Sites Regulation Project**
Risk Assessment Amendments - Final Adopted Regulations Effective January 1, 2016

▶ **Prevention, Preparedness, and Response Regulation Project**
Financial Responsibility Amendments – Final Adopted Regulations Effective April, 6, 2016

▶ **Prevention, Preparedness, and Response Regulation Project**
Spill Prevention and Response and Spill Response Plan Amendments – Final Adopted Regulations Effective April, 16, 2016

▶ **Response Fund Administration (RFA) Regulation Project**
Cost Recovery Amendments – Final Adopted Regulations Effective May 8, 2016

ADDITIONAL CONTACT INFORMATION

For more information regarding CS Regulation Projects, please contact Sally Schlichting at (907) 465-5076.
For more information regarding PPR Regulation Projects, please contact Clare Pavia at (907) 465-5283 .
For more information regarding RFA Regulation Projects, please contact Patricia Bower at (907) 465-5152.

ACTIVE: PROPOSED CLEANUP LEVEL AMENDMENTS FOR 18 AAC 75



PROJECT LINKS

- ★ Documents
- ★ Frequently Asked Questions

RESOURCES

- ★ Regulation Projects
- ★ Regulations
- ★ Statutes
- ★ How to comment on regulations

The Contaminated Sites (CS) Program has a regulation project in progress.

Description	Download
Public Notice of the Proposed Changes	Website
Proposed Formal Amendments to 18 AAC 75 (May 18, 2016)	839KB
Updated Documents Adopted by Reference	
Procedures for Calculating Cumulative Risk, May 15, 2016	2MB
Procedures for Calculating Cleanup Levels, May 15, 2016	2MB
Support Documents and Tools	
Side-by-Side Comparison of 2008 to 2016 Cleanup Levels	48KB
Summary of Responses to Comments Received Through December 11, 2015	661KB
Additional Regulations Notice	64KB
Sectional Explanation of Changes	104KB
Frequently Asked Questions	Website
Updated Calculator Tools and Equations for Cleanup Levels and Cumulative Risk (Beta Test Version)	Website

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Summary of Proposed Amendments

- Changes are to 18 AAC 75 Articles 3 and 9
- Updates to Soil Cleanup Levels for Table B1
- Updates to Groundwater Cleanup Levels Table C
- Updates to how cleanup levels are calculated
- New compounds added
- Changes To 340 And 345 concerning special situations
- Updated adopted by reference documents
- New definitions



Changes to the Cleanup Levels

- ▶ Updated risk-based approach for both soil and groundwater
- ▶ Since last update in 2008, new values incorporate “newer science”
- ▶ Now a single soil cleanup value labeled “human health” for each climate zone
- ▶ Groundwater values no longer defer to Maximum Contaminant Levels (MCLs)
- ▶ 18 compounds are being added, for a total of 182 compounds.
- ▶ Carbazole removed



Soil Cleanup Levels

18 AAC 75.341

► Migration to Groundwater

- 134 more stringent
- 26 less stringent
- 1 unchanged- Dibromoethane, 1,2-
- 2 compounds with no value (PCB and Lead)

► Arctic Zone Human Health

- 85 more stringent
- 76 less stringent
- 3 compounds the same

► Under 40-inch Zone Human Health

- 78 more stringent
- 82 less stringent
- 4 compounds the same

► Over 40-inch Zone Human Health

- 76 more stringent
- 85 less stringent
- 3 compounds the same

► Notes to Tables B1/B2 updated



Groundwater Cleanup Levels

18 AAC 75.345

- ▶ 132 of 182 cleanup levels more stringent
- ▶ 30 less stringent
- ▶ 2 values unchanged (PCB and Lead)
- ▶ More stringent levels are due to the incorporation of child exposure parameters.
- ▶ Table C groundwater cleanup levels now are risk-based.
- ▶ **Notes to Table C updated**

"New" Compounds

- Benzaldehyde
- Benzyl Alcohol
- Bromobenzene
- Butadiene, 1,3-
- Chlordecone (Kepone)
- Cyclohexane
- Formaldehyde
- Hexane
- 2-Hexanone (MBK)
- Isopropanol
- Methanol
- Mercuric chloride
- Pentaerythritol tetranitrate (PETN)
- 1,1,1,2-Tetrachloroethane
- 1,2,3-Trichlorobenzene
- Trichlorophenoxyacetic Acid, 2,4,5 (2,4,5-T)
- PFOS (perfluorooctane sulphonic acid)
- PFOA (perfluorooctanoic acid)

Removed: Carbazole

Changes to Regulatory Provisions

18 AAC 75.340

► 18 AAC 75.340 Soil Cleanup Levels General Requirements

Revisions consolidate, update, and clarify this section and subsections (a) (d) (e)

- 340 (g) modifies the process for developing a cleanup level for a contaminant that is not listed
- 340 (i)(2) updated to remove evaluation of fugitive dust and add evaluation of sensitive subpopulations. (see new definition)
- 340 (j) clarifies the terminology and pathways accounted for in the soil cleanup levels (dermal contact and inhalation of particulates)



Changes to Regulatory Provisions 18 AAC 75.345

- ▶ **18 AAC 75.345 Groundwater Cleanup Levels**
 - ▶ **345(b)**: New paragraphs (3) and (4) added to match parallel section in 340 for unlisted chemicals
 - ▶ **345(c)**: Adds provisions for setting a more protective cleanup level in certain circumstances (sensitive subpopulations, more stringent MCL, EPA Health Advisory)
 - ▶ **345(d)**: New subsection - allows the department to require alternative water supply or institutional controls where toxicity information for a compound is insufficient
 - ▶ **345(k)**: Removes adoption by reference to outdated groundwater well guidance and replaces it with “an approved method”.

Other Changes

- ▶ Adopted by Reference (18 AAC 325(g) and (h)):
 - ▶ 2008 Cleanup Levels Guidance replaced with Procedures for Calculating Cleanup Levels 2016
 - ▶ 2008 Cumulative Risk Guidance replaced with Procedures for Calculating Cumulative Risk 2016
- ▶ 18 AAC 75.370 – Corrects or updates references to other chapters
- ▶ 18 AAC 75. 990 – Adds definitions for mutagen, mutagenic, and sensitive subpopulation.
- ▶ Various housekeeping changes for new terms, etc., in other sections.



Major issues for commenters and how we responded:

- Revisions to 18 AAC 75.340 Soil Cleanup Levels; General Requirements
 - **This section has been further revised to clarify what cleanup level applies under method three**
- Institutional Controls language in 18 AAC 340 and .345
 - **The proposed language has been withdrawn**

Major issues for commenters and how we responded:

- ▶ Lowered Cleanup Levels
 - ▶ **No changes made, but more emphasis and guidance will be given on the site-specific alternatives to default cleanup levels**
- ▶ Lowered Cleanup Levels for Arsenic and Chromium
 - ▶ **Site concentrations will be presumed natural background unless anthropogenic sources identified**
- ▶ Cleanup levels set below the lowest achievable detection limits
 - ▶ **New and updated guidance will promote:**
 - ▶ **Alternative analyses such as SIM, and low-level VOC analysis**
 - ▶ **Setting the cleanup level at the PQL**
 - ▶ **Setting the cleanup level at the Limit of Detection (LOD) where a PQL is not available**



Major issues for commenters and how we responded:

- Addition of PFOS and PFOA to the Cleanup Levels Tables
 - Levels updated with tox values from 2009 paper rather than 2014 draft
- Adopted by Reference Documents
 - Changes made to Procedures for Calculating Cumulative Risk
 - Changes made to Procedures for Calculating Cleanup Levels
- Other changes
 - Cleanup levels are reported to two significant figures
 - Corrected typos/wording in the regulations
 - Corrected toxicity surrogates for hydrazine and methyl mercury
 - Removing “at least” from the phrase “to a depth of at least 15 feet”
 - Adding the option for the department to consider an EPA health advisory level for a contaminant in groundwater.



Response to Comments

For more on how we responded to public comments, see:

Summary of Responses to Public Comments
Received through December 11, 2015

AT:

<http://dec.alaska.gov/spar/regulations.htm>



Next Steps

- Second public comment period runs till Thursday June 23, 2016
- Staff reviews and respond to public comments received
- Make additional changes as necessary in response to comments
- Complete steps to adoption by Commissioner
- Department of Law reviews and makes additional changes
- DEC forwards to Lt. Governor for signature
- Regulations are effective 30 days later- by end of December 2016

Questions?

Contact: Sally Schlichting
at sally.schlichting@alaska.gov
Visit our regulations page here:
<http://dec.alaska.gov/spar/regulations.htm>



State of Alaska > DEC > SPAR

WELCOME

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The Division of Spill Prevention and Response (SPAR) prevents spills of oil and hazardous substances, prepares for when a spill occurs and responds rapidly to protect human health and the environment.

- ▶ Contact Information
- ▶ SPAR Online Services
- ▶ Frequently Asked Questions
- ▶ Photo Gallery
- ▶ Annual Report

CONTAMINATED SITES

- ▶ The Cleanup Process
- ▶ Database of Contaminated Sites
- ▶ Map of Contaminated Sites

RESPONSE FUND ADMINISTRATION

- ▶ Response Fund Diagram
- ▶ History of the Response Fund
- ▶ FY 2013-2014 Response Fund Report

PREVENTION PREPAREDNESS AND RESPONSE

- ▶ Prevention
- ▶ Preparedness
- ▶ Response
- ▶ Interagency Coordination

REGULATIONS

- ▶ Proposed Regulations
- ▶ Current Regulations
- ▶ Statutes

OF INTEREST

- ▶ What's New
- ▶ Aleutian Islands Risk Assessment
- ▶ Southeast Alaska Vessel Traffic Study (July 2012, 23.8MB)

HOW DO I...

- ▶ Report a Spill
- ▶ Find guidance documents and forms
- ▶ Learn about approvals and permits
- ▶ Find former illegal drug manufacturing sites

Report a Spill