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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Gary Mendivil, AAC Contact  
Department of Environmental Conservation

**FROM:** Scott Meriwether  
Special Assistant   
907.465.4081

**DATE:** December 2, 2015

**RE:** Filed Permanent Regulations: Department of Environmental Conservation  
Regulations re: contaminated site cleanup procedures and risk assessments (18 AAC 75.325(h); 18 AAC 75.340(f)(1))

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Attorney General File: JU2015200191  
Regulation Filed: December 2, 2015  
Effective Date: January 1, 2016  
Print: 217, April 2016

cc with enclosures: Linda Miller, Department of Law  
Jesse Logan, Administrative Regulation Review Committee  
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO  
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

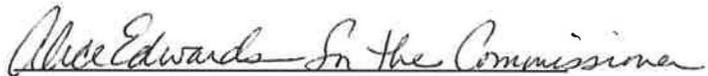
The attached three pages of regulations, dealing with how risk is calculated and risk assessments are performed at contaminated sites under 18 AAC 75 (Oil and Other Hazardous Substances Pollution Control) are hereby adopted and certified to be a correct copy of the regulation changes that the Department of Environmental Conservation adopts under the authority of AS 46.03 and AS 46.04 after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Environmental Conservation paid special attention to the cost to private persons of the regulatory action being taken. Public comments were received from eight parties and responses were provided to those comments. Changes were made to address several of the comments. In addition, the Department of Environmental Conservation also gave special attention to alternate practical methods in this regulatory action, as required by AS 46.03.024.

The regulation changes adopted under this order take effect on the 30<sup>th</sup> day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: October 21, 2015

  
Larry Hartig, Commissioner  
Department of Environmental Conservation

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on December 2, 2015, at 3:15p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

  
Byron Mallott, Lieutenant Governor

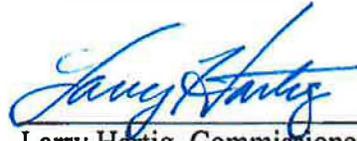
Effective: January 1, 2016  
Register: 217, April 2016

STATE OF ALASKA  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
P.O. BOX 111800  
JUNEAU, ALASKA 99801-1800

**LIMITED DELEGATION OF AUTHORITY  
FOR ADOPTING REGULATIONS**

IN ACCORDANCE WITH AS 44.17.010, THE AUTHORITY AND RESPONSIBILITY FOR ADOPTING REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION UNDER THE ALASKA ADMINISTRATIVE PROCEDURE ACT DURING THE PERIOD OCTOBER 12, 2015 THROUGH NOVEMBER 4, 2015, ARE DELEGATED TO ALICE L. EDWARDS, DEPUTY COMMISSIONER.

SIGNED:

  
\_\_\_\_\_  
Larry Hartig, Commissioner

Date

Oct. 9<sup>th</sup> 2015

18 AAC 75.325(h) is amended to read:

(h) If proposing an alternative cleanup level for soil or groundwater, based on a site-specific risk assessment under method four in 18 AAC 75.340(f) or under the provisions of 18 AAC 75.345(b)(2), a responsible person shall ensure that the risk from hazardous substances does not exceed the cumulative carcinogenic risk standard of 1 in 100,000 across all exposure pathways and does not exceed the cumulative noncarcinogenic risk standard at a hazard index of one, reported to one significant figure, across all exposure pathways. Guidance on cumulative risk determinations is provided in the department's *Cumulative Risk Guidance*, adopted by reference in (g) of this section. [INSTEAD OF THE RISK STANDARDS REQUIRED BY THIS SUBSECTION, THE DEPARTMENT MAY CONSIDER A RISK STANDARD CONSISTENT WITH THE RANGE ACCEPTABLE UNDER 40 C.F.R. 300.430, REVISED AS OF JULY 1, 2004, ADOPTED BY REFERENCE, BASED ON

- (1) SITE-SPECIFIC CONDITIONS;
- (2) LAND USE;
- (3) HAZARDOUS SUBSTANCE CHARACTERISTICS;
- (4) STATUTORY COMPLIANCE;
- (5) PROTECTION OF HUMAN HEALTH, SAFETY, AND WELFARE, AND THE ENVIRONMENT;
- (6) ABILITY OF CLEANUP TO BE IMPLEMENTED;
- (7) LONG-TERM AND SHORT-TERM EFFECTIVENESS;
- (8) USE OF TREATMENT TECHNOLOGIES;
- (9) PUBLIC COMMENT; AND
- (10) COST.] (Eff. 1/22/99, Register 149; am 8/27/2000, Register 155; am

↙ ((start on next line)) ↗

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1/30/2003, Register 165; am 10/9/2008, Register 188; am 1/1/2016, Register 217)

am 6/17/2015, Register 214;

<b>Authority:</b>	AS 46.03.020	AS 46.03.740	AS 46.04.020
	AS 46.03.050	AS 46.03.745	AS 46.04.070
	AS 46.03.710	AS 46.03.822	AS 46.09.020

department's Cumulative Risk Guidance,

**Editor's note:** The document adopted by reference in 18 AAC 75.325 may be reviewed

at/or requested from, the department's offices in Anchorage, Fairbanks, Juneau, and Soldotna # or

~~The documents adopted by reference may also be viewed through the department's~~

Internet website at [http://dec.alaska.gov/spar/csp/guidance\\_forms/csguidance.htm](http://dec.alaska.gov/spar/csp/guidance_forms/csguidance.htm)

[HTTP://DEC.ALASKA.GOV/SPAR/GUIDANCE/HTM].

(( Publisher: In the editor's note after 18 AAC 75.325, please retain the three paragraphs that follow the one displayed. ))

18 AAC 75.340(f) is amended to read:

~~(f) Under method four, the department will approve a site-specific alternative cleanup~~

level if a responsible person

(( Publisher: Existing introductory language of 18 AAC 75.340(f) is unchanged. ))

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(1) performs a site-specific risk assessment and submits a risk assessment report to the

department for approval, and if the department determines that the alternative cleanup level is protective of human health, safety, and welfare, and of the environment based on the site-specific

risk assessment; in performing the risk assessment, a responsible person shall follow the

department's *Risk Assessment Procedures Manual*, dated **October 1, 2015** [JUNE 8, 2000],

adopted by reference; (Eff. 1/22/99, Register 149; am 8/27/2000, Register 155; am 1/30/2003,

Register 165; am 10/9/2008, Register 188; am 1/1/2016, Register 217)

<b>Authority:</b>	AS 46.03.020	AS 46.03.740	AS 46.04.070
	AS 46.03.050	AS 46.03.745	AS 46.09.020
	AS 46.03.710	AS 46.04.020	

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once))

Editor's note: The documents adopted by reference in 18 AAC 75.340 may be reviewed at, or requested from, the department's offices in Anchorage, Fairbanks, Juneau, and Soldotna. **The documents adopted by reference may also be viewed through the department's Internet website at [http://dec.alaska.gov/spar/csp/guidance\\_forms/csguidance.htm](http://dec.alaska.gov/spar/csp/guidance_forms/csguidance.htm).**