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STATE OF ALASKA
OFFICE OF THE LIEUTENANT GOVERNOR
JUNEAU

MEMORANDUM

TO: Gary Mendivil
Administrative Code Contact
Department of Environmental Conservation

DATE: August 3, 2006

FROM: *Lauren Yocom*
Lauren Yocom
Administrative Code Coordinator

TELEPHONE: (907) 465-4082

SUBJECT: Permanent Filing of Regulation(s)

RE: **Water Quality Standards for Residues**
18 AAC 70.020(b)(8), (20)

Regulation signed:	8.2.2006
Effective Date:	9.1.2006
Attorney General File:	993-05-0043
Register printed in:	179, Oct

Attachments

cc: B.J. Jordan, Department of Law
Administrative Regulation Review Committee

18 AAC 70.020(b)(8) ^{is} and (20) are amended to read:

~~18 AAC 70.020. Protected water use classes and subclasses; water quality criteria; water quality standards table.~~

(b) Except as modified by or under 18 AAC 70.220 or 18 AAC 70.235, the water quality criteria set out in the following table, and in the *Alaska Water Quality Criteria Manual for Toxic and Other Deleterious Organic and Inorganic Substances*, dated May 15, 2003 and adopted by reference, in combination with the classes and subclasses of water use set out in (a) of this section, constitute the water quality standards for a particular waterbody; the water quality standards regulate human activities that result in alterations to waters within the state's jurisdiction:

Publisher: Existing lead-in language of 18 AAC 70.020(b) remains unchanged.

Designated

Water Quality Standards for Fresh Water and Marine Uses

POLLUTANT & WATER USE	CRITERIA
<p>(8) RESIDUES, FOR FRESH WATER USES: ^{<i>Bold</i>} Floating solids, ^{<i>Bold</i>} debris, sludge, deposits, foam, scum, ^{<i>Bold</i>} or other residues (criteria are not ^{<i>Bold</i>} applicable to groundwater)</p> <p><u>(See note 13)</u></p>	<p><i>Center</i></p> <p><i>Comma should not be bold or underline</i></p>
<p>(A) Water Supply</p> <p>(i) drinking, culinary, and food processing</p>	<p>May not, alone or in combination with other substances, <u>be present in concentrations or amounts that: form objectionable deposits; constitute a nuisance; produce objectionable odor or taste; or result in undesirable or nuisance species.</u> [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.]</p>

(A) Water Supply (ii) agriculture, including irrigation and stock watering	<u>Same as (8)(A)(i).</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.]
(A) Water Supply (iii) aquaculture #	<u>Same as (8)(A)(i).</u> [MAY NOT, ALONE OR IN COMBINATION WITH OTHER SUBSTANCES OR WASTES, MAKE THE WATER UNFIT OR UNSAFE FOR THE USE.]
(A) Water Supply (iv) industrial 4	Same as <u>(8)(A)(i)</u> [(8)(A)(iii)].
(B) Water Recreation (i) contact recreation	Same as (8)(A)(i).

<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>May not, <u>alone</u> or in combination with other substances, <u>be</u> <u>present in concentrations or amounts that form</u> [#]<u>objectionable deposits or result in undesirable or</u> ³<u>nuisance species.</u> [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.]</p>
<p>18 AAC 70.020(b)(20) is amended to (20) RESIDUES, FOR MARINE WATER USES: ^{Bolal} <u>Floating solids, debris, sludge,</u> ^{Bold} <u>deposits, foam, scum, or other</u> ^{Bolal} <u>residues (See note 13)</u></p>	<p>read:</p>

<p>(A) Water Supply</p> <p>(i) aquaculture ^ #</p>	<p>May not, alone or in combination with other substances [^]<u>be</u> <u>present in concentrations or amounts that form</u> <u>objectionable deposits; constitute a nuisance; produce</u> <u>objectionable odor or taste; or result in undesirable or</u> <u>nuisance species.</u> [OR WASTES, MAKE THE WATER UNFIT OR UNSAFE FOR THE USE. MAY NOT CAUSE DETRIMENTAL EFFECTS ON ESTABLISHED WATER SUPPLY TREATMENT LEVELS.]</p>
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<p>(A) Water Supply</p> <p>(ii) seafood processing</p>	<p><u>Same as (20)(A)(i).</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.]</p>
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<p>(A) Water Supply (iii) industrial</p>	<p><u>Same as (20)(A)(i).</u> [MAY NOT, ALONE OR IN COMBINATION WITH OTHER SUBSTANCES OR WASTES, MAKE THE WATER UNFIT OR UNSAFE FOR THE USE.]</p>
<p>(B) Water Recreation (i) contact recreation</p>	<p>Same as <u>(20)(A)(i)</u> [(20)(A)(ii)].</p>
<p>(B) Water Recreation (ii) secondary recreation</p>	<p>Same as <u>(20)(A)(i)</u> [(20)(A)(ii)].</p>
<p>(C) Growth and Propagation of Fish, Shellfish, Other Aquatic Life, and Wildlife</p>	<p>May not, alone or in combination with other substances ^{be} <u>present in concentrations or amounts that form objectionable deposits or result in undesirable or nuisance species.</u> [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</p>

	WATER, WITHIN THE WATER COLUMN, ON THE BOTTOM, OR UPON ADJOINING SHORELINES.]
<p>(D) [#]Harvesting for Consumption of Raw Mollusks or Other Raw Aquatic Life</p>	<p><u>Same as (20)(A)(i).</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.]</p>

18 AAC 70.020 (b) is amended by adding a new note to read:
~~Notes:~~

Sub twice

→ 13. In deciding what constitutes a nuisance or an objectionable deposit, odor or taste, or an undesirable or nuisance species, the department will consider the extent to which the presence of residue

Sub once more | (A) results in complaints from existing users;

substant once

Sub once more | (B) is consistent with the intended use of the area as designated in a land use or other resource management plan adopted by a federal, state or local government; or

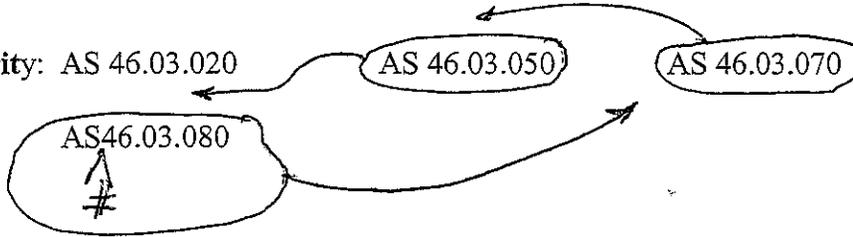
substant once

Sub once more | (C) otherwise impairs or could reasonably be expected to impair existing or designated uses of the water body.

Boldface and underlining not necessary

(Eff. 11/1/97, Register 143; am 4/29/99, Register 150; am 5/27/99, Register 150; am 6/22/2003,
am 6/13/2006, Register 178;
Register 166; am 9/1/2006, Register 179)

Authority: AS 46.03.020



ORDER ADOPTING CHANGES TO REGULATIONS OF
THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The attached eight pages of regulations, dealing with residue water quality standards, is 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 46.03.020, 46.03.050, 46.03.070, and 46.03.080, and 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. 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 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

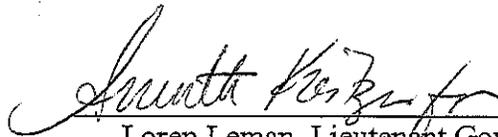
DATE: June 30, 2006
Juneau, Alaska



Kurt Fredriksson, Commissioner
Department of Environmental Conservation

FILING CERTIFICATION

Annette Kreitzer for
I, Loren Leman, Lieutenant Governor for the State of Alaska, certify that on August 2,
2006, at 12:36 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 –
44.62.120.



Loren Leman, Lieutenant Governor

Effective: September 1, 2006.

Register: 179, October.



LIEUTENANT GOVERNOR
STATE OF ALASKA

FOR DELEGATION OF LIEUTENANT GOVERNOR'S AUTHORITY

I, LOREN LEMAN, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, as authorized by AS 44.19.026, designate the following state official to serve as temporary custodian of the state seal and as the officer to perform the Administrative Procedure Act filing functions and the authenticating functions of the lieutenant governor during such time as I act as governor, am absent from the State, or am otherwise unavailable at the state capital to perform these functions.

Annette Kreitzer, Chief-of-Staff, Office of the Lieutenant Governor

IN TESTIMONY WHEREOF, I have set my hand and affixed hereto the Seal of the State of Alaska, at Juneau, the Capitol,

This.....^{9th}..... day of.....^{December}.....

A.D. 20.....⁰².....

Loren D. Lemman
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LIEUTENANT GOVERNOR

