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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Gary Mendivil
Department of Environmental Conservation

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: August 31, 2018

RE: Filed Permanent Regulations: Department of Environmental Conservation

Department of Environmental Conservation regulations re: cleanup levels for soil and groundwater at contaminated sites (18 AAC 75.325(g),(i); 18 AAC 75.340; 18 AAC 75.341(c); 18 AAC 75.345(b)(1); 18 AAC 75.355(c),(d); 18 AAC 75.370(b); 18 AAC 75.990)

Attorney General File:	JU2017200705
Regulation Filed:	8/30/2018
Effective Date:	9/29/2018
Print:	227, October 2018

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

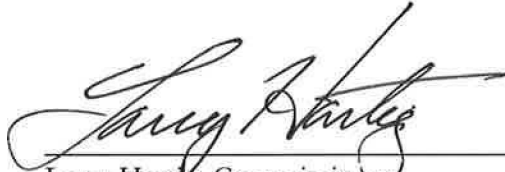
The attached 43 pages of regulations, updating cleanup levels for soil and groundwater, along with minor housekeeping changes in 18 AAC 75 are adopted and certified to be a correct copy of the regulation changes that the Department of Environmental Conservation adopts under the authority of AS 46.03 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 three parties and responses were provided to those 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 30 days after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: June 27, 2018

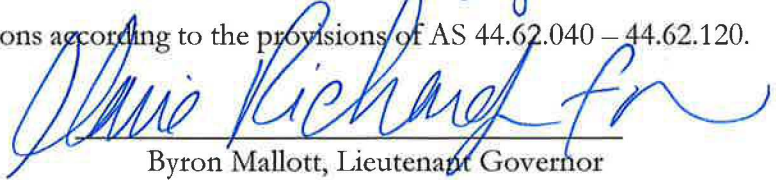


Larry Hartig, Commissioner
Department of Environmental Conservation

Claire Richardson for

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on August 30, 2018,
at 1:48 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Byron Mallott, Lieutenant Governor

Effective: September 29 2018

Register: 227, October 2018

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, BYRON MALLOTT, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employee to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

Claire Richardson, Special Assistant

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on January 7th 2015.



A handwritten signature in blue ink, appearing to read "Byron Mallott", is written over a horizontal dotted line.

**BYRON MALLOTT
LIEUTENANT GOVERNOR**

18 AAC 75.325(g) is amended to read:

↑
 "Header needs to appear at the top of each page of the regulations"

(g) If using method two or method three for determining the applicable soil cleanup levels as described in 18 AAC 75.340 and 18 AAC 75.341, or if applying the groundwater cleanup levels at Table C in 18 AAC 75.345, a responsible person shall ensure that, after completing site cleanup, the risk from hazardous substances does not exceed a cumulative carcinogenic risk standard of 1 in 100,000 across all exposure pathways and does not exceed a cumulative noncarcinogenic risk standard at a hazard index of one, reported to one significant figure, across all exposure pathways. Instructions for determining cumulative risk are provided in the department's *Procedures for Calculating Cumulative Risk*, dated **February 1, 2018**, [SEPTEMBER 15, 2016 ^{and} ~~AND~~] adopted by reference.

18 AAC 75.325(i) is amended to read:

(i) A responsible person, owner, or operator shall obtain approval before disposing of soil or groundwater from a site

(1) that is subject to the site cleanup rules; or

(2) for which [THE RESPONSIBLE PERSON HAS RECEIVED] a written

determination from the department ^{made} ~~has been granted~~ under 18 AAC 75.380(d)(1) that

^{allows} documents contamination remaining above method two soil cleanup levels or groundwater ^{to remain at the site} ^{under 18 AAC 75.340(a)(2)} ^{(in 18 AAC 75.345(b))} cleanup levels listed in Table C; (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 6/17/2015, Register 214; am 1/1/2016,

Register 217; am 11/6/2016, Register 220; am 9/29/2018, Register 227)

Authority: 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

Editor's note: The department's *Procedures for Calculating Cumulative Risk*, adopted by reference in 18 AAC 75.325 may be viewed at or obtained from the department's offices in Anchorage, Fairbanks, Juneau, and Soldotna or the department's Internet website at

<http://dec.alaska.gov/spar/csp/guidance-forms>.

Publiken: This edit was recently done as a revisor's change. Please retain the new internet address!!!

[[HTTP://DEC.ALASKA.GOV/SPAR/CSP/GUIDANCE_FORMS/CSGUIDANCE.HTM](http://DEC.ALASKA.GOV/SPAR/CSP/GUIDANCE_FORMS/CSGUIDANCE.HTM).]

Publiken: Please retain each of the editor's notes that follow this first one.

18 AAC 75.340(e)(1) is amended to read:

(1) migration to groundwater or human health pathway in Table B1 or migration to groundwater or inhalation pathway in Table B2, based on the use of approved site-specific soil data, and the equations set out in the department's *Procedures for Calculating Cleanup Levels*, dated **February 1, 2018** [SEPTEMBER 15, 2016], ^{and} adopted by reference;

18 AAC 75.340(f)(1) is amended to read:

(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 **February 1, 2018** [October 1, 2015],

^{and} adopted by reference; and

18 AAC 75.340(h)(2) is amended to read:

(2) the limit of quantitation and limit of detection [PRACTICAL QUANTITATION LIMIT] for the hazardous substance exceeds the applicable cleanup level set out in 18 AAC 75.341 for that substance.

18 AAC 75.340(k) is amended to read:

(k) For a cleanup conducted under methods two and three, a chemical that is detected at one-tenth or more of the Table B1 human health [DIRECT CONTACT AND INHALATION] cleanup levels set out in 18 AAC 75.341(c) must be included when calculating cumulative risk under 18 AAC 75.325(g). (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; am 11/6/2016, Register 220; am 9/29/2018, Register 227)

Authority:	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	

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>. *(Publisher: This edit was recently done as a revisor's change. Please retain the new internet address.))*
[HTTP://DEC.ALASKA.GOV/SPAR/CSP/GUIDANCE_FORMS/CSGUIDANCE.HTM.]

18 AAC 75.341(c) is repealed and readopted to read:

(c) If a responsible person uses method two for chemicals other than petroleum hydrocarbons under 18 AAC 75.340, the soil cleanup levels must be based on Table B1 in this subsection.

TABLE B1. METHOD TWO – SOIL CLEANUP LEVELS TABLE (See notes for additional requirements)

Hazardous Substance	CAS Number ¹	health effect that drives risk: carcinogen (ca); noncarcinogen (nc); mutagen (m)	Arctic Zone ²	Under 40 Inch Zone ³	Over 40 Inch Zone ⁴	Migration to Groundwater ⁶ (mg/kg)
			Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	
Acenaphthene ⁷	83-32-9	nc	6300	4600	3800	37
Acenaphthylene ^{7,8}	208-96-8	nc	3100	2300	1900	18
Acetone	67-64-1	nc	1.0 x 10 ⁵ ; ⁹	81000	65000	38
Aldrin	309-00-2	ca	0.67	0.49	0.40	0.0099
Anthracene ⁷	120-12-7	nc	31000	23000	19000	390
Antimony (metallic)	7440-36-0	nc	55	41	33	4.6
Arsenic, Inorganic ¹¹	7440-38-2	ca	12	8.8	7.2	0.20
Barium	7440-39-3	nc	25000	20000	17000	2100
Benz[a]anthracene ⁷	56-55-3	m	20	14	12	0.70
Benzaldehyde	100-52-7	nc	770 (3000) ¹⁰	770 (2300) ¹⁰	770 (1800) ¹⁰	0.52
Benzene ⁷	71-43-2	ca	16	11	8.1	0.022

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Hazardous Substance	CAS Number ¹	health effect that drives risk: carcinogen (ca); noncarcinogen (nc); mutagen (m)	Arctic Zone ²	Under 40 Inch Zone ³	Over 40 Inch Zone ⁴	Migration to Groundwater ⁶ (mg/kg)
			Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	
Benzo[a]pyrene ⁷	50-32-8	m	2.0	1.5	1.2	1.9
Benzo[b]fluoranthene ⁷	205-99-2	m	20	15	12	20
Benzo[g,h,i]perylene ^{7,8}	191-24-2	nc	3100	2300	1900	15000
Benzo[k]fluoranthene ⁷	207-08-9	m	200	150	120	190
Benzoic Acid	65-85-0	nc	1.0 x 10 ⁵ ; ⁹	1.0 x 10 ⁵ ; ⁹	1.0 x 10 ⁵ ; ⁹	200
Benzyl Alcohol	100-51-6	nc	11000	8200	6700	5.7
Beryllium and compounds	7440-41-7	nc	270	200	170	260
Bis(2-chloroethyl)ether	111-44-4	ca	4.0	2.8	2.1	0.00042
Bis(2-ethylhexyl)phthalate	117-81-7	ca	680	500	410	88
Bromobenzene	108-86-1	nc	160 (410) ¹⁰	160 (290) ¹⁰	160 (215) ¹⁰	0.36
Bromodichloromethane	75-27-4	ca	5.3	3.6	2.6	0.0043
Bromoform	75-25-2	ca	340	240	170	0.10

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			Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	
Bromomethane	74-83-9	nc	15	10	7.4	0.024
Butadiene, 1,3-	106-99-0	ca	1.2	0.86	0.64	0.0012
Butanol, N-	71-36-3	nc	6500 (14000) ¹⁰	6500 (10000) ¹⁰	6500 (8300) ¹⁰	5.3
Butyl Benzyl Phthalate	85-68-7	ca	5000	3700	3000	16
Butylbenzene, n-	104-51-8	nc	20 (6800) ¹⁰	20 (5000) ¹⁰	20 (4150) ¹⁰	23
Butylbenzene, sec-	135-98-8	nc	28 (14000) ¹⁰	28 (10000) ¹⁰	28 (8300) ¹⁰	42
Butylbenzene, tert-	98-06-6	nc	36 (14000) ¹⁰	36 (10000) ¹⁰	36 (10000) ¹⁰	11
Cadmium	7440-43-9	nc	120	92	76	9.1
Carbon Disulfide	75-15-0	nc	500	500	500 (800) ¹⁰	2.9

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			Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	
			(1600) ¹⁰	(1100) ¹⁰		
Carbon Tetrachloride	56-23-5	ca	13	9.1	6.6	0.021
Chlordane	12789-03-6	ca	29	22	17	0.18
Chlordecone (Kepone)	143-50-0	ca	0.95	0.70	0.58	0.0083
Chloroaniline, p-	106-47-8	ca	47	35	29	0.015
Chlorobenzene	108-90-7	nc	180 (370) ¹⁰	180 (250) ¹⁰	180 (180) ¹⁰	0.46
Chloroform	67-66-3	ca	5.8	4.0	2.9	0.0071
Chloromethane	74-87-3	nc	250	170	120	0.61
Chloronaphthalene, Beta-	91-58-7	nc	8400	6200	5100	26
Chlorophenol, 2-	95-57-8	nc	680	510	410	0.71
Chromium(III), Insoluble Salts ¹²	16065-83-1	nc	1.0 x 10 ⁵ ; ⁹	1.0 x 10 ⁵ ; ⁹	1.0 x 10 ⁵ ; ⁹	1.0 x 10 ⁵ ; ⁹
Chromium(VI) ¹²	18540-29-9	m	4.9	3.9	3.2	0.089

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			Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	
Chrysene ⁷	218-01-9	m	2000	1500	1200	600
Copper	7440-50-8	nc	5500	4100	3300	370
Cresol, m-	108-39-4	nc	5500	4100	3400	6.1
Cresol, o-	95-48-7	nc	5500	4100	3400	6.2
Cresol, p-	106-44-5	nc	11000	8200	6700	12
Cumene	98-82-8	nc	54 (2500) ¹⁰	54 (1700) ¹⁰	54 (1300) ¹⁰	5.6
Cyanide (CN-) ¹³	57-12-5	nc	48	34	26	0.20
Cyclohexane	110-82-7	nc	77 (14000) ¹⁰	77 (9400) ¹⁰	77 (6700) ¹⁰	150
DDD	72-54-8	ca	3.3	2.5	2.0	0.098
DDE, p,p'-	72-55-9	ca	34	25	20	0.72
DDT	50-29-3	ca	33	24	20	5.1

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Hazardous Substance	CAS Number ¹	health effect that drives risk: carcinogen (ca); noncarcinogen (nc); mutagen (m)	Arctic Zone ²	Under 40 Inch Zone ³	Over 40 Inch Zone ⁴	Migration to Groundwater ⁶ (mg/kg)
			Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	
Dibenz[a,h]anthracene ⁷	53-70-3	m	2.0	1.5	1.2	6.3
Dibenzofuran	132-64-9	nc	130	95	77	0.97
Dibromochloromethane	124-48-1	ca	140	110	88	0.0027
Dibromoethane, 1,2- (Ethylene Dibromide)	106-93-4	ca	0.62	0.42	0.31	0.00024
Dibromomethane (Methylene Bromide)	74-95-3	nc	45	31	22	0.025
Dibutyl Phthalate	84-74-2	nc	11000	8200	6700	16
Dichlorobenzene, 1,2-	95-50-1	nc	78 (2300) ¹⁰	78 (1600) ¹⁰	78 (1200) ¹⁰	2.4
Dichlorobenzene, 1,3- ⁸	541-73-1	nc	62 (2000) ¹⁰	62 (1400) ¹⁰	62 (1000) ¹⁰	2.3
Dichlorobenzene, 1,4-	106-46-7	ca	31	21	15	0.037
Dichlorobenzidine, 3,3'-	91-94-1	ca	21	16	13	0.056
Dichlorodifluoromethane	75-71-8	nc	220	150	110	3.9
Dichloroethane, 1,1-	75-34-3	ca	67	46	33	0.092

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			Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	
Dichloroethane, 1,2-	107-06-2	ca	8.0	5.5	3.9	0.0055
Dichloroethylene, 1,1-	75-35-4	nc	480	330	240	1.2
Dichloroethylene, 1,2-cis-	156-59-2	nc	270	200	170	0.12
Dichloroethylene, 1,2-trans-	156-60-5	nc	960 (2700) ¹⁰	960 (2000) ¹⁰	960 (1700) ¹⁰	1.3
Dichlorophenol, 2,4-	120-83-2	nc	330	250	200	0.21
Dichlorophenoxy Acetic Acid, 2,4-	94-75-7	nc	1200	910	740	0.53
Dichloropropane, 1,2-	78-87-5	nc	25	17	12	0.030
Dichloropropene, 1,3-	542-75-6	ca	30	21	15	0.018
Dieldrin	60-57-1	ca	0.59	0.44	0.36	0.0047
Diethyl Phthalate	84-66-2	nc	88000	66000	54000	60
Dimethylphenol, 2,4-	105-67-9	nc	2200	1600	1300	3.2

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			Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	
Dimethylphthalate ⁸	131-11-3	nc	88000	66000	54000	48
Dinitrobenzene, 1,2-	528-29-0	nc	11	8.2	6.7	0.014
Dinitrobenzene, 1,3-	99-65-0	nc	11	8.2	6.7	0.014
Dinitrobenzene, 1,4-	100-25-4	nc	11	8.2	6.7	0.014
Dinitrophenol, 2,4-	51-28-5	nc	220	160	130	0.34
Dinitrotoluene, 2,4-	121-14-2	ca	30	23	18	0.024
Dinitrotoluene, 2,6-	606-20-2	ca	6.3	4.7	3.8	0.0050
Dinitrotoluene, 2-Amino-4,6-	35572-78-2	nc	270	200	160	0.25
Dinitrotoluene, 4-Amino-2,6-	19406-51-0	nc	270	200	160	0.25
Dioxane, 1,4-	123-91-1	ca	100	73	58	0.012
Diphenylamine	122-39-4	nc	11000	8200	6700	17
Endosulfan (Endosulfan I + Endosulfan II)	115-29-7	nc	820	610	500	9.3

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			Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	
Endrin	72-20-8	nc	33	25	20	0.61
Ethyl Chloride	75-00-3	nc	1400 (29000) ¹⁰	1400 (20000) ¹⁰	1400 (14000) ¹⁰	72
Ethylbenzene ⁷	100-41-4	ca	72	49	35	0.13
Ethylene Glycol	107-21-1	nc	1.0 x 10 ⁵ ; ⁹	1.0 x 10 ⁵ ; ⁹	1.0 x 10 ⁵ ; ⁹	110
Fluoranthene ⁷	206-44-0	nc	4200	3100	2500	590
Fluorene ⁷	86-73-7	nc	4200	3100	2500	36
Formaldehyde	50-00-0	ca	430	290	210	0.011
Heptachlor	76-44-8	ca	2.2	1.6	1.3	0.0076
Heptachlor Epoxide	1024-57-3	ca	1.2	0.86	0.69	0.0019
Hexachlorobenzene	118-74-1	ca	2.8	2.0	1.5	0.0082
Hexachlorobutadiene	87-68-3	nc	3.3 (14) ¹⁰	3.3 (10) ¹⁰	3.3 (7.2) ¹⁰	0.020

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Hazardous Substance	CAS Number ¹	health effect that drives risk: carcinogen (ca); noncarcinogen (nc); mutagen (m)	Arctic Zone ²	Under 40 Inch Zone ³	Over 40 Inch Zone ⁴	Migration to Groundwater ⁶ (mg/kg)
			Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	
Hexachlorocyclohexane, Alpha-	319-84-6	ca	1.5	1.1	0.91	0.0029
Hexachlorocyclohexane, Beta-	319-85-7	ca	5.3	3.9	3.2	0.010
Hexachlorocyclohexane, Gamma- (Lindane)	58-89-9	ca	9.9	7.4	6.0	0.016
Hexachlorocyclopentadiene	77-47-4	nc	2.0	1.4	1.0	0.0093
Hexachloroethane	67-72-1	ca	25	17	12	0.018
Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX)	121-82-4	ca	110	79	64	0.027
Hexane, N-	110-54-3	nc	140 (1600) ¹⁰	140 (1100) ¹⁰	140 (750) ¹⁰	130 ¹⁰
Hexanone, 2-	591-78-6	nc	380	270	210	0.11
Hydrazine	302-01-2	ca	0.76	0.55	0.40	3.1 x 10 ⁻⁵
Indeno[1,2,3-cd]pyrene ⁷	193-39-5	m	20	15	12	65
Isophorone	78-59-1	ca	10000	7400	6100	2.7

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			Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	
Isopropanol	67-63-0	nc	14000	9500	6800	1.1
Lead and Compounds ¹⁴	7439-92-1	nc	400	400	400	n/a
Manganese	7439-96-5	nc	2900	2700	2000	370
Mercuric Chloride ⁸	7487-94-7	nc	41	30	25	3.9
Mercury (elemental)	7439-97-6	nc	3.1 (28) ¹⁰	3.1 (19) ¹⁰	3.1 (14) ¹⁰	0.36
Methanol	67-56-1	nc	1.0 x 10 ⁵ ; ⁹	1.0 x 10 ⁵ ; ⁹	1.0 x 10 ⁵ ; ⁹	54
Methoxychlor	72-43-5	nc	550	410	340	13
Methyl Ethyl Ketone (2-Butanone)	78-93-3	nc	23000 (53000) ¹⁰	23000 (38000) ¹⁰	23000 (30000) ¹⁰	15
Methyl Isobutyl Ketone (4-methyl-2-pentanone)	108-10-1	nc	2200 (69000) ¹⁰	2200 (47000) ¹⁰	2200 (34000) ¹⁰	18
Methyl Mercury	22967-92-6	nc	14	10	8.3	180

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			Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	
Methyl tert-Butyl Ether (MTBE)	1634-04-4	ca	970	670	480	0.40
Methylene Chloride	75-09-2	nc	630	460	360	0.33
Methylnaphthalene, 1-	90-12-0	ca	68 (310) ¹⁰	68 (230) ¹⁰	68 (190) ¹⁰	0.41
Methylnaphthalene, 2-	91-57-6	nc	420	310	250	1.3
Naphthalene ⁷	91-20-3	ca	42	29	20	0.038
Nickel Soluble Salts	7440-02-0	nc	2600	2000	1700	340
Nitrobenzene	98-95-3	ca	64	43	31	0.0079
Nitroglycerin	55-63-0	nc	11	8.2	6.7	0.0082
Nitroguanidine	556-88-7	nc	11000	8200	6700	5.8
Nitrosodimethylamine, N-	62-75-9	m	0.036	0.026	0.020	3.3 x 10 ⁻⁶
Nitroso-di-N-propylamine, N-	621-64-7	ca	1.4	1.00	0.82	0.00068
Nitrosodiphenylamine, N-	86-30-6	ca	1900	1400	1200	4.6

TABLE B1. METHOD TWO – SOIL CLEANUP LEVELS TABLE (See notes for additional requirements)

Hazardous Substance	CAS Number ¹	health effect that drives risk: carcinogen (ca); noncarcinogen (nc); mutagen (m)	Arctic Zone ²	Under 40 Inch Zone ³	Over 40 Inch Zone ⁴	Migration to Groundwater ⁶ (mg/kg)
			Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	
Nitrotoluene, m-	99-08-1	nc	11	8.2	6.7	0.013
Nitrotoluene, o-	88-72-2	ca	55	41	34	0.024
Nitrotoluene, p-	99-99-0	nc	440	330	270	0.32
Octahydro-1,3,5,7-tetranitro-1,3,5,7-tetrazocine (HMX)	2691-41-0	nc	6700	5000	4100	9.7
Octyl Phthalate, di-N-	117-84-0	nc	1100	820	670	370
Pentachlorophenol	87-86-5	ca	18	13	11	0.0043
Pentaerythritol tetranitrate (PETN)	78-11-5	nc	220	160	130	0.43
Perchlorate and Perchlorate salts	14797-73-0	nc	96	71	58	0.037
Perfluorooctanesulfonic Acid (PFOS) ⁸	1763-23-1	nc	2.2	1.6	1.3	0.0030
Perfluorooctanoic Acid (PFOA) ⁸	335-67-1	nc	2.2	1.6	1.3	0.0017
Phenanthrene ^{7,8}	85-01-8	nc	3100	2300	1900	39
Phenol	108-95-2	nc	33000	25000	20000	29

TABLE B1. METHOD TWO – SOIL CLEANUP LEVELS TABLE (See notes for additional requirements)

Hazardous Substance	CAS Number ¹	health effect that drives risk: carcinogen (ca); noncarcinogen (nc); mutagen (m)	Arctic Zone ²	Under 40 Inch Zone ³	Over 40 Inch Zone ⁴	Migration to Groundwater ⁶ (mg/kg)
			Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	
Phosphorus, White	7723-14-0	nc	2.7	2.0	1.7	0.020
Polychlorinated Biphenyls (total) ¹⁵	1336-36-3	ca	1.0	1.0	1.0	n/a
Propyl benzene	103-65-1	nc	52 (5200) ¹⁰	52 (3700) ¹⁰	52 (2800) ¹⁰	9.1
Pyrene ⁷	129-00-0	nc	3100	2300	1900	87
Selenium	7782-49-2	nc	680	510	410	6.9
Silver	7440-22-4	nc	680	510	410	11
Strontium	7440-24-6	nc	82000	61000	50000	5600
Styrene	100-42-5	nc	180 (8100) ¹⁰	180 (5700) ¹⁰	180 (4200) ¹⁰	10
TCDD, 2,3,7,8- ¹⁶	1746-01-6	ca	8.2×10^{-5}	6.0×10^{-5}	4.9×10^{-5}	3.9×10^{-6}
Tetrachloroethane, 1,1,1,2-	630-20-6	ca	30	21	15	0.022
Tetrachloroethane, 1,1,2,2-	79-34-5	ca	8.8	6.1	4.4	0.0030

TABLE B1. METHOD TWO – SOIL CLEANUP LEVELS TABLE (See notes for additional requirements)

Hazardous Substance	CAS Number ¹	health effect that drives risk: carcinogen (ca); noncarcinogen (nc); mutagen (m)	Arctic Zone ²	Under 40 Inch Zone ³	Over 40 Inch Zone ⁴	Migration to Groundwater ⁶ (mg/kg)
			Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	
Tetrachloroethylene	127-18-4	nc	68 (140) ¹⁰	68 (95) ¹⁰	68 (69) ¹⁰	0.19
Tetryl (Trinitrophenylmethylnitramine)	479-45-8	nc	270	200	170	2.5
Thallium (Soluble Salts)	7440-28-0	nc	1.4	1.00	0.83	0.19
Toluene ⁷	108-88-3	nc	200 (8000) ¹⁰	200 (5800) ¹⁰	200 (4500) ¹⁰	6.7
Toxaphene	8001-35-2	ca	8.6	6.4	5.2	0.72
Trichloro-1,2,2-trifluoroethane, 1,1,2-	76-13-1	nc	740 (16000) ¹⁰	740 (11000) ¹⁰	740 (7700) ¹⁰	310
Trichlorobenzene, 1,2,3-	87-61-6	nc	110	81	66	0.15
Trichlorobenzene, 1,2,4-	120-82-1	nc	66	45	32	0.082
Trichloroethane, 1,1,1-	71-55-6	nc	360 (160000) ¹⁰	360 (11000) ¹⁰	360 (7800) ¹⁰	32

TABLE B1. METHOD TWO – SOIL CLEANUP LEVELS TABLE (See notes for additional requirements)

Hazardous Substance	CAS Number ¹	health effect that drives risk: carcinogen (ca); noncarcinogen (nc); mutagen (m)	Arctic Zone ²	Under 40 Inch Zone ³	Over 40 Inch Zone ⁴	Migration to Groundwater ⁶ (mg/kg)
			Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	
Trichloroethane, 1,1,2-	79-00-5	nc	2.3	1.6	1.1	0.0014
Trichloroethylene	79-01-6	nc	7.1	4.9	3.5	0.011
Trichlorofluoromethane	75-69-4	nc	980 (41000) ¹⁰	980 (30000) ¹⁰	980 (25000) ¹⁰	41
Trichlorophenol, 2,4,5-	95-95-4	nc	11000	8200	6700	28
Trichlorophenol, 2,4,6-	88-06-2	nc	110	82	67	0.092
Trichlorophenoxyacetic Acid, 2,4,5-	93-76-5	nc	1100	820	670	0.66
Trichlorophenoxypropionic acid, -2,4,5	93-72-1	nc	880	660	540	0.55
Trichloropropane, 1,2,3-	96-18-4	m	0.089	0.066	0.054	3.1 x 10 ⁻⁵
Trimethylbenzene, 1,2,4-	95-63-6	nc	43 (400) ¹⁰	43 (280) ¹⁰	43 (210) ¹⁰	0.61
Trimethylbenzene, 1,3,5-	108-67-8	nc	37 (360) ¹⁰	37 (250) ¹⁰	37 (180) ¹⁰	0.66
Tri-n-butyltin	688-73-3	nc	41	30	25	0.68

TABLE B1. METHOD TWO – SOIL CLEANUP LEVELS TABLE (See notes for additional requirements)

Hazardous Substance	CAS Number ¹	health effect that drives risk: carcinogen (ca); noncarcinogen (nc); mutagen (m)	Arctic Zone ²	Under 40 Inch Zone ³	Over 40 Inch Zone ⁴	Migration to Groundwater ⁶ (mg/kg)
			Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	Human Health ⁵ (mg/kg)	
Trinitrobenzene, 1,3,5-	99-35-4	nc	3900	2900	2400	15
Trinitrotoluene, 2,4,6-	118-96-7	nc	64	47	39	0.39
Vanadium and Compounds	7440-62-2	nc	680	510	420	1100
Vinyl Acetate	108-05-4	nc	2100	1400	1000	1.1
Vinyl Chloride	75-01-4	ca	0.69	0.65	0.61	0.00080
Xylenes ⁷	1330-20-7	nc	57 (710) ¹⁰	57 (490) ¹⁰	57 (350) ¹⁰	1.5
Zinc and Compounds	7440-66-6	nc	41000	30000	25000	4900

See notes to table for further requirements. "n/a" means not applicable.

NOTES TO TABLE B1 FOLLOW TABLE B2 IN (d) OF THIS SECTION

18 AAC 75.341(d) is repealed and readopted to read:

(d) If a responsible person uses method two for petroleum hydrocarbons under 18 AAC 75.340, the soil cleanup levels must be based on Table B2 in this subsection.

TABLE B2. METHOD TWO - PETROLEUM HYDROCARBON SOIL CLEANUP LEVELS

Petroleum Hydrocarbon Range	Arctic Zone ² mg/kg			Under 40 Inch Zone ³			Over 40 Inch Zone ⁴			Maximum Allowable Concentrations ¹⁷ mg/kg
	Ingestion (mg/kg) ¹⁸	Inhalation (mg/kg) ¹⁹	Migration to Groundwater (mg/kg) ⁶	Ingestion (mg/kg) ¹⁸	Inhalation (mg/kg) ¹⁹	Migration to groundwater (mg/kg) ⁶	Ingestion (mg/kg) ¹⁸	Inhalation (mg/kg) ¹⁹	Migration to Groundwater (mg/kg) ⁶	
For Laboratory Analysis using AK Methods 101, 102, and 103										
C ₆ -C ₁₀ GRO using AK 101	1400	1400	n/a	1400	1400	300	1400	1400	260	1400
C ₁₀ -C ₂₅ DRO using AK 102	12500	12500	n/a	10250	12500	250	8250	12500	230	12500
C ₂₅ -C ₃₆ RRO using AK 103	13700	22000	n/a	10000	22000	11000	8300	22000	9700	22000
For Laboratory Analysis using AK Aliphatic and Aromatic Fraction Methods 101AA, 102AA, and 103AA										
C ₆ -C ₁₀ Aliphatics	1000	1000	n/a	1000	1000	270	1000	1000	240	1000
C ₆ -C ₁₀ Aromatics	1000	1000	n/a	1000	1000	150	1000	1000	130	1000
C ₁₀ -C ₂₅ Aliphatics	10000	10000	n/a	10000	10000	7200	8300	10000	6400	10000
C ₁₀ -C ₂₅ Aromatics	5000	5000	n/a	4100	5000	100	3300	5000	90	5000
C ₂₅ -C ₃₆ Aliphatics	20000	20000	n/a	20000	20000	20000	20000	20000	20000	20000
C ₂₅ -C ₃₆ Aromatics	4100	10000	n/a	3000	10000	3300	2500	10000	2900	10000
See notes to table for further requirements. “n/a” means not applicable.										

Notes to Tables B1 and B2:

If applicable, alternative cleanup levels must be protective of migration to surface water.

Concentrations of hazardous substances in soil must be calculated and presented on a per dry weight basis. For volatile organic hazardous substances for which toxicity data are not currently available or calculated levels exceed the calculated saturation concentration, the cleanup level that applies at a site is the calculated saturation concentration determined using the equations set out in the *Procedures for Calculating Cleanup Levels*, adopted by reference in 18 AAC 75.340.

The cleanup level from Table B1 or B2 that applies at a site is the most stringent of the applicable exposure pathway-specific cleanup levels based on human health, ingestion, inhalation, or migration to groundwater. Where the superscript figure “9” follows the exponent “10⁵”, separated by a semicolon, the figure “9” refers to Note 9.

1. “CAS Number” means the Chemical Abstract Service (CAS) registry number uniquely assigned to chemicals by the American Chemical Society and recorded in the CAS Registry System.

2. “Arctic zone” is defined at 18 AAC 75.990.

3. “Under 40 inch zone” means a site that receives mean annual precipitation of less than 40 inches each year.

4. “Over 40 inch zone” means a site that receives mean annual precipitation of 40 or more inches each year.

5. The “Human Health” exposure pathway is the cumulative exposure pathway through dermal contact, ingestion, and inhalation of volatile and particulate compounds from hazardous substances in the soil but excludes the vapor intrusion pathway of indoor air inhalation.

6. The “Migration to Groundwater” exposure pathway is the potential for hazardous substances to leach to groundwater where they may result in a completed human health exposure pathway through dermal contact, ingestion, or inhalation of contaminants at or above levels listed in Table C at 18 AAC 75.345(b)(1); soil cleanup levels protective of migration to surface water must be determined on a site-specific basis.

7. If using method two or method three, the applicable petroleum hydrocarbon cleanup levels must be met in addition to the applicable chemical-specific cleanup levels for benzene, ethylbenzene, toluene, and total xylenes; the chemical-specific cleanup levels for the polynuclear aromatic hydrocarbons acenaphthene, acenaphthylene, anthracene, benz[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[g,h,i]pyrene, chrysene, dibenz[a,h]anthracene, fluoranthene, fluorene, indeno[1,2,3-c,d]pyrene, naphthalene, phenanthrene, and pyrene must also be met unless the department determines that those cleanup levels need not be met to protect human health, safety, and welfare, and the environment.

8. Where one or more toxicological values were unavailable, toxicity values from surrogate compounds or other sources were used as presented in Table 6 in the *Procedures for Calculating Cleanup Levels*, adopted by reference in 18 AAC 75.340.

9. The ceiling limit of 100,000 mg/kg is equivalent to a chemical representing 10 percent by weight of the soil sample. At this contaminant concentration and higher, the assumptions for soil contact may be violated (for example, soil adherence and wind-borne dispersion assumptions) due to the presence of the foreign substance itself.

10. This level is based on a soil saturation concentration (C_{sat}) using the equations set out in *Procedures for Calculating Cleanup Levels*, adopted by reference in 18 AAC 75.340. The C_{sat} value is listed first, followed by the human health risk-based cleanup level in parentheses.

The human health risk-based cleanup level assumptions do not take free product into consideration. In accordance with Per 18 AAC 75.325(f), free product must be recovered to the maximum extent practicable. Contaminant concentrations above the Csat value trigger the need to assess the practicability of product recovery; if the department determines product recovery is impracticable, the risk-based cleanup level may be applied as long as the cumulative risk standards are met.

11. Due to the prevalence of naturally occurring arsenic throughout the state, arsenic at a site will be considered background arsenic unless anthropogenic contribution from a source, activity, or mobilization by means of another introduced contaminant is known or suspected.

12. Due to the prevalence of naturally occurring chromium III throughout the state, sample results reported for total chromium detected at a site will be considered background chromium III unless anthropogenic contribution of chromium III or VI from a source, activity, or mobilization by means of another introduced contaminant is known or suspected. The calculated chromium III migration to groundwater cleanup level exceeds 1,000,000 parts per million.

13. Cyanide expressed as free, or physiologically available cyanide.

14. Lead cleanup levels are based on land use; for residential land use, the soil cleanup level is 400 mg/kg. For commercial or industrial land use, as applied in 18 AAC 75.340(e)(3), the soil cleanup level is 800 mg/kg; through an approved site-specific risk assessment, conducted according to the *Risk Assessment Procedures Manual*, adopted by reference in 18 AAC 75.340, approved exposure models may be used to evaluate exposure to a child resident or an adult worker; a responsible person may also propose an alternative cleanup level, through a site-specific risk assessment conducted according to the *Risk Assessment Procedures Manual*, and based on a chemical speciation of the lead present at the site. For soils contaminated with lead

more than 15 feet below ground surface, lead cleanup levels will be determined on a site-specific basis.

*iii Move circled text from
✓ page 26 to this spot.))*

15. For unrestricted land use, polychlorinated biphenyls (PCBs) in soil shall be cleaned up to the listed value, unless the department determines that a different cleanup level is necessary as provided in 18 AAC 75.340(i); with the prior approval of the department, PCBs in soil may be cleaned up to

(A) between 1 and 10 mg/kg if the responsible person

(i) caps each area containing PCBs in soil at levels between 1 and 10 mg/kg; for purposes of this Note 15, "caps" means covering an area of PCB contaminated soil with an appropriate material to prevent exposure of humans and the environment to PCBs; to be approved, a cap must be designed and constructed of a material acceptable to the department and of sufficient strength and durability to withstand the use of the surface that is exposed to the environment; within 72 hours after discovery of a breach to the integrity of a cap, the responsible person or the landowner shall initiate repairs to that breach; and

(ii) provides the department within 60 days after completing the cleanup, documentation that the responsible person has recorded a deed notation in the appropriate land records, or on another instrument that is normally examined during a title search, documenting that PCBs remain in the soil, that the contaminated soil has been capped, and that subsequent interest holders may have legal obligations with respect to the cap and the contaminated soil; or

(B) an alternative PCB soil cleanup level developed through an approved site-specific risk assessment, conducted according to the *Risk Assessment Procedures Manual*, adopted by reference at 18 AAC 75.340.

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(C) The applicable EPA ^{regulation} ~~rule~~ governing disposal and cleanup of PCB contaminated facilities under 40 C.F.R. ~~Part~~ 761.61 (PCB remediation waste) may apply to ~~PCB~~ of polychlorinated biphenyls (PCBs) cleanup at a contaminated site. The PCB cleanup levels listed in Table B1 are based on cleanup levels referred to in 40 C.F.R. 761.61 for high occupancy areas with no cap.

16. This cleanup level is for 2,3,7,8-Tetrachlorodibenzo-*p*-Dioxin (TCDD) only; all cleanup levels for polychlorinated dibenzo-*p*-dioxin (PCDD) and polychlorinated dibenzofuran (PCDF) congeners must be determined on a site-specific basis using the TCDD toxicity described in adopted by reference in 18 AAC 75.325 equivalent (TEQ) approach. ~~See the Procedures for Calculating Cumulative Risk.~~

17. This level is the concentration of C₆ - C₁₀, C₁₀ - C₂₅, or C₂₅ - C₃₆ petroleum hydrocarbon range in surface and subsurface soil that if exceeded, indicates an increased potential for hazardous substance migration or for risk to human health, safety, or welfare, or to the environment; the level of a petroleum hydrocarbon may not remain at a concentration above the maximum allowable concentration unless a responsible person demonstrates that the petroleum hydrocarbon will not migrate and will not pose a significant risk to human health, safety, or welfare, or to the environment; free product must be recovered as required by 18 AAC 75.325(f).

18. "Ingestion" means a potential pathway of exposure to hazardous substances through direct consumption of the soil.

19. "Inhalation" means a potential pathway to volatile organic hazardous substances in but excludes the vapor intrusion pathway of indoor air inhalation am 1/30/2003, Register 165; the soil through volatilization. (Eff. 1/22/99, Register 149; am 8/27/2000, Register 155; am

10/9/2008, Register 188; am 11/6/2016, Register 220; am 9/29/2018, Register 227)

Authority: 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

[EDITOR'S NOTE: THE APPLICABLE EPA RULE GOVERNING DISPOSAL AND CLEANUP OF PCB CONTAMINATED FACILITIES UNDER 40 C.F.R. PART 761.61 (PCB REMEDIATION WASTE) MAY APPLY TO PCB CLEANUP AT A CONTAMINATED SITE. THE PCB CLEANUP LEVELS LISTED IN TABLE B1 ARE BASED ON CLEANUP LEVELS REFERRED TO IN 40 C.F.R. 761.61 FOR HIGH OCCUPANCY AREAS WITH NO CAP.]

18 AAC 75.345(b)(1) is repealed and readopted to read:

(1) the cleanup levels in Table C if the current use or the reasonably expected potential future use of the groundwater, determined under 18 AAC 75.350, is a drinking water source;

“Publisher: The “or” at the end of former 18 AAC 75.345(b)(1) should not be there; please omit it as the agency has done here.”

TABLE C. GROUNDWATER CLEANUP LEVELS

Hazardous Substance	CAS Number ¹	Health effect that drives risk: carcinogen (ca); noncarcinogen (nc); mutagen (m)	Groundwater Human Health Cleanup Level ² (micrograms /liter)
Acenaphthene	83-32-9	nc	530
Acenaphthylene ³	208-96-8	nc	260
Acetone	67-64-1	nc	14000
Aldrin	309-00-2	ca	0.0092
Anthracene	120-12-7	nc	43 (1800) ⁴
Antimony (metallic)	7440-36-0	nc	7.8
Arsenic, Inorganic ⁵	7440-38-2	ca	0.52
Barium	7440-39-3	nc	3800
Benz[a]anthracene	56-55-3	m	0.30
Benzaldehyde	100-52-7	nc	190
Benzene	71-43-2	ca	4.6
Benzo[a]pyrene	50-32-8	m	0.25
Benzo[b]fluoranthene	205-99-2	m	2.5
Benzo[g,h,i]perylene ³	191-24-2	nc	0.26 (600) ⁴
Benzo[k]fluoranthene	207-08-9	m	0.80 (25) ⁴
Benzoic Acid	65-85-0	nc	75000
Benzyl Alcohol	100-51-6	nc	2000
Beryllium and compounds	7440-41-7	nc	25
Bis(2-chloroethyl)ether	111-44-4	ca	0.14
Bis(2-ethylhexyl)phthalate	117-81-7	ca	56
Bromobenzene	108-86-1	nc	62

TABLE C. GROUNDWATER CLEANUP LEVELS

Hazardous Substance	CAS Number ¹	Health effect that drives risk: carcinogen (ca); noncarcinogen (nc); mutagen (m)	Groundwater Human Health Cleanup Level ² (micrograms /liter)
Bromodichloromethane	75-27-4	ca	1.3
Bromoform	75-25-2	ca	33
Bromomethane	74-83-9	nc	7.5
Butadiene, 1,3-	106-99-0	ca	0.18
Butanol, N-	71-36-3	nc	2000
Butyl Benzyl Phthalate	85-68-7	ca	160
Butylbenzene, n-	104-51-8	nc	1000
Butylbenzene, sec-	135-98-8	nc	2000
Butylbenzene, tert-	98-06-6	nc	690
Cadmium (Diet)	7440-43-9	nc	9.2
Carbon Disulfide	75-15-0	nc	810
Carbon Tetrachloride	56-23-5	ca	4.6
Chlordane	12789-03-6	ca	0.20
Chlordecone (Kepone)	143-50-0	ca	0.035
Chloroaniline, p-	106-47-8	ca	3.7
Chlorobenzene	108-90-7	nc	78
Chloroform	67-66-3	ca	2.2
Chloromethane	74-87-3	nc	190
Chloronaphthalene, Beta-	91-58-7	nc	750
Chlorophenol, 2-	95-57-8	nc	91
Chromium(III), Insoluble Salts ⁶	16065-83-1	nc	22000

TABLE C. GROUNDWATER CLEANUP LEVELS

Hazardous Substance	CAS Number ¹	Health effect that drives risk: carcinogen (ca); noncarcinogen (nc); mutagen (m)	Groundwater Human Health Cleanup Level ² (micrograms /liter)
Chromium(VI) ⁶	18540-29-9	m	0.35
Chrysene	218-01-9	m	2.0 (250) ⁴
Copper	7440-50-8	nc	800
Cresol, m-	108-39-4	nc	930
Cresol, o-	95-48-7	nc	930
Cresol, p-	106-44-5	nc	1900
Cumene	98-82-8	nc	450
Cyanide (CN-)	57-12-5	nc	1.5
Cyclohexane	110-82-7	nc	13000
DDD	72-54-8	ca	0.060
DDE, p,p'-	72-55-9	ca	0.46
DDT	50-29-3	ca	2.3
Dibenz[a,h]anthracene	53-70-3	m	0.25
Dibenzofuran	132-64-9	nc	7.9
Dibromochloromethane	124-48-1	ca	8.7
Dibromoethane, 1,2- (Ethylene Dibromide)	106-93-4	ca	0.075
Dibromomethane (Methylene Bromide)	74-95-3	nc	8.3
Dibutyl Phthalate	84-74-2	nc	900
Dichlorobenzene, 1,2-	95-50-1	nc	300
Dichlorobenzene, 1,3- ³	541-73-1	nc	300
Dichlorobenzene, 1,4-	106-46-7	ca	4.8

TABLE C. GROUNDWATER CLEANUP LEVELS

Hazardous Substance	CAS Number ¹	Health effect that drives risk: carcinogen (ca); noncarcinogen (nc); mutagen (m)	Groundwater Human Health Cleanup Level ² (micrograms /liter)
Dichlorobenzidine, 3,3'-	91-94-1	ca	1.3
Dichlorodifluoromethane	75-71-8	nc	200
Dichloroethane, 1,1-	75-34-3	ca	28
Dichloroethane, 1,2-	107-06-2	ca	1.7
Dichloroethylene, 1,1-	75-35-4	nc	280
Dichloroethylene, 1,2-cis-	156-59-2	nc	36
Dichloroethylene, 1,2-trans-	156-60-5	nc	360
Dichlorophenol, 2,4-	120-83-2	nc	46
Dichlorophenoxy Acetic Acid, 2,4-	94-75-7	nc	170
Dichloropropane, 1,2-	78-87-5	nc	8.2
Dichloropropene, 1,3-	542-75-6	ca	4.7
Dieldrin	60-57-1	ca	0.018
Diethyl Phthalate	84-66-2	nc	15000
Dimethylphenol, 2,4-	105-67-9	nc	360
Dimethylphthalate ³	131-11-3	nc	16000
Dinitrobenzene, 1,2-	528-29-0	nc	1.9
Dinitrobenzene, 1,3-	99-65-0	nc	2.0
Dinitrobenzene, 1,4-	100-25-4	nc	2.0
Dinitrophenol, 2,4-	51-28-5	nc	39
Dinitrotoluene, 2,4-	121-14-2	ca	2.4
Dinitrotoluene, 2,6-	606-20-2	ca	0.49

TABLE C. GROUNDWATER CLEANUP LEVELS

Hazardous Substance	CAS Number ¹	Health effect that drives risk: carcinogen (ca); noncarcinogen (nc); mutagen (m)	Groundwater Human Health Cleanup Level ² (micrograms /liter)
Dinitrotoluene, 2-Amino-4,6-	35572-78-2	nc	39
Dinitrotoluene, 4-Amino-2,6-	19406-51-0	nc	39
Dioxane, 1,4-	123-91-1	ca	4.6
Diphenylamine	122-39-4	nc	1300
Endosulfan	115-29-7	nc	100
Endrin	72-20-8	nc	2.3
Ethyl Chloride	75-00-3	nc	21000
Ethylbenzene	100-41-4	ca	15
Ethylene Glycol	107-21-1	nc	40000
Fluoranthene	206-44-0	nc	260 (800) ⁴
Fluorene	86-73-7	nc	290
Formaldehyde	50-00-0	ca	4.3
Heptachlor	76-44-8	ca	0.014
Heptachlor Epoxide	1024-57-3	ca	0.014
Hexachlorobenzene	118-74-1	ca	0.098
Hexachlorobutadiene	87-68-3	nc	1.4
Hexachlorocyclohexane, Alpha-	319-84-6	ca	0.072
Hexachlorocyclohexane, Beta-	319-85-7	ca	0.25
Hexachlorocyclohexane, Gamma- (Lindane)	58-89-9	ca	0.42
Hexachlorocyclopentadiene	77-47-4	nc	0.41
Hexachloroethane	67-72-1	ca	3.3

TABLE C. GROUNDWATER CLEANUP LEVELS

Hazardous Substance	CAS Number ¹	Health effect that drives risk: carcinogen (ca); noncarcinogen (nc); mutagen (m)	Groundwater Human Health Cleanup Level ² (micrograms /liter)
Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX)	121-82-4	ca	7.0
Hexane, N-	110-54-3	nc	1500
Hexanone, 2-	591-78-6	nc	38
Hydrazine	302-01-2	ca	0.011
Indeno[1,2,3-cd]pyrene	193-39-5	m	0.19 (2.5) ⁴
Isophorone	78-59-1	ca	780
Isopropanol	67-63-0	nc	410
Lead and Compounds ⁷	7439-92-1	nc	15
Manganese	7439-96-5	nc	430
Mercuric Chloride ³	7487-94-7	nc	5.7
Mercury (elemental)	7439-97-6	nc	0.52
Methanol	67-56-1	nc	20000
Methoxychlor	72-43-5	nc	37
Methyl Ethyl Ketone (2-Butanone)	78-93-3	nc	5600
Methyl Isobutyl Ketone (4-methyl-2-pentanone)	108-10-1	nc	6300
Methyl Mercury	22967-92-6	nc	2.0
Methyl tert-Butyl Ether (MTBE)	1634-04-4	ca	140
Methylene Chloride	75-09-2	nc	110
Methylnaphthalene, 1-	90-12-0	ca	11
Methylnaphthalene, 2-	91-57-6	nc	36
Naphthalene	91-20-3	ca	1.7

TABLE C. GROUNDWATER CLEANUP LEVELS

Hazardous Substance	CAS Number ¹	Health effect that drives risk: carcinogen (ca); noncarcinogen (nc); mutagen (m)	Groundwater Human Health Cleanup Level ² (micrograms /liter)
Nickel Soluble Salts	7440-02-0	nc	390
Nitrobenzene	98-95-3	ca	1.4
Nitroglycerin	55-63-0	nc	2.0
Nitroguanidine	556-88-7	nc	2000
Nitrosodimethylamine, N-	62-75-9	m	0.0011
Nitroso-di-N-propylamine, N-	621-64-7	ca	0.11
Nitrosodiphenylamine, N-	86-30-6	ca	120
Nitrotoluene, m-	99-08-1	nc	1.7
Nitrotoluene, o-	88-72-2	ca	3.1
Nitrotoluene, p-	99-99-0	nc	43
Octahydro-1,3,5,7-tetranitro-1,3,5,7-tetrazocine (HMX)	2691-41-0	nc	1000
Octyl Phthalate, di-N-	117-84-0	nc	22 (200) ⁴
Pentachlorophenol	87-86-5	ca	0.41
Pentaerythritol tetranitrate (PETN)	78-11-5	nc	39
Perchlorate and Perchlorate Salts	14797-73-0	nc	14
Perfluorooctanesulfonic Acid (PFOS) ³	1763-23-1	nc	0.40
Perfluorooctanoic Acid (PFOA) ³	335-67-1	nc	0.40
Phenanthrene ³	85-01-8	nc	170
Phenol	108-95-2	nc	5800
Phosphorus, White	7723-14-0	nc	0.40
Polychlorinated Biphenyls (PCBs)	1336-36-3	ca	0.44

TABLE C. GROUNDWATER CLEANUP LEVELS

Hazardous Substance	CAS Number ¹	Health effect that drives risk: carcinogen (ca); noncarcinogen (nc); mutagen (m)	Groundwater Human Health Cleanup Level ² (micrograms /liter)
Propyl benzene	103-65-1	nc	660
Pyrene	129-00-0	nc	120
Selenium	7782-49-2	nc	100
Silver	7440-22-4	nc	94
Styrene	100-42-5	nc	1200
Strontium	7440-24-6	nc	12000
TCDD, 2,3,7,8- ⁸	1746-01-6	ca	1.2×10^{-6}
Tetrachloroethane, 1,1,1,2-	630-20-6	ca	5.7
Tetrachloroethane, 1,1,2,2-	79-34-5	ca	0.76
Tetrachloroethylene	127-18-4	nc	41
Tetryl (Trinitrophenylmethylnitramine)	479-45-8	nc	39
Thallium (Soluble Salts)	7440-28-0	nc	0.20
Toluene	108-88-3	nc	1100
Toxaphene	8001-35-2	ca	0.71
Trichloro-1,2,2-trifluoroethane, 1,1,2-	76-13-1	nc	10000
Trichlorobenzene, 1,2,3-	87-61-6	nc	7.0
Trichlorobenzene, 1,2,4-	120-82-1	nc	4.0
Trichloroethane, 1,1,1-	71-55-6	nc	8000
Trichloroethane, 1,1,2-	79-00-5	nc	0.41
Trichloroethylene	79-01-6	nc	2.8
Trichlorofluoromethane	75-69-4	nc	5200

TABLE C. GROUNDWATER CLEANUP LEVELS

Hazardous Substance	CAS Number ¹	Health effect that drives risk: carcinogen (ca); noncarcinogen (nc); mutagen (m)	Groundwater Human Health Cleanup Level ² (micrograms /liter)
Trichlorophenol, 2,4,5-	95-95-4	nc	1200
Trichlorophenol, 2,4,6-	88-06-2	nc	12
Trichlorophenoxyacetic Acid, 2,4,5-	93-76-5	nc	160
Trichlorophenoxypropionic acid, -2,4,5	93-72-1	nc	110
Trichloropropane, 1,2,3-	96-18-4	m	0.0075
Trimethylbenzene, 1,2,4-	95-63-6	nc	56
Trimethylbenzene, 1,3,5-	108-67-8	nc	60
Tri-n-butyltin	688-73-3	nc	3.7
Trinitrobenzene, 1,3,5-	99-35-4	nc	590
Trinitrotoluene, 2,4,6-	118-96-7	nc	9.8
Vanadium and Compounds	7440-62-2	nc	86
Vinyl Acetate	108-05-4	nc	410
Vinyl Chloride	75-01-4	ca	0.19
Xylenes	1330-20-7	nc	190
Zinc and Compounds	7440-66-6	nc	6000
PETROLEUM HYDROCARBONS			
C ₆ -C ₁₀ GRO		nc	2200
C ₁₀ -C ₂₅ DRO		nc	1500
C ₂₅ -C ₃₆ RRO		nc	1100

Notes to Table C:

1. “CAS Number” means the Chemical Abstract Service (CAS) registry number uniquely assigned to chemicals by the American Chemical Society and recorded in the CAS Registry System.

2. The “Human Health” exposure pathway is the cumulative exposure pathway through dermal contact, ingestion, and inhalation of volatile compounds from hazardous substances in the water.

3. Where one or more toxicological values were unavailable, toxicity values from surrogate compounds or other sources were used as presented in Table 6 from the *Procedures for Calculating Cleanup Levels*, adopted by reference in 18 AAC 75.340.

4. This level is set at the compound’s solubility concentration using the equations set out in the *Procedures for Calculating Cleanup Levels*, adopted by reference in 18 AAC 75.340. The solubility value is listed first, followed by the human health risk-based cleanup level in parentheses. The human health risk-based cleanup level assumptions do not take free product into consideration. In accordance with ~~Per~~ 18 AAC 75.325(f), free product must be recovered to the maximum extent practicable. Contaminant concentrations above the solubility value trigger the need to assess the practicability of product recover^y; if the department determines product recovery is impracticable, the risk-based cleanup level may be applied as long as the cumulative risk standards are met.

5. Due to the prevalence of naturally occurring arsenic throughout the state, arsenic at a site will be considered background arsenic unless anthropogenic contribution from a source, activity, or mobilization by means of another introduced contaminant is known or suspected.

6. Due to the prevalence of naturally occurring chromium III throughout the state, sample results reported for total chromium detected at a site will be considered background chromium III unless anthropogenic contribution of chromium III or VI from a source, activity, or mobilization by means of another introduced contaminant is known or suspected.

7. The lead cleanup level is taken from EPA's action level for lead in water.

8. This cleanup level is for 2,3,7,8-Tetrachloro¹dibenzo-*p*-Dioxin (TCDD) only; all cleanup levels for polychlorinated dibenzo-*p*-dioxin (PCDD) and polychlorinated dibenzofuran (PCDF) congeners must be determined on a site-specific basis using the TCDD toxicity equivalent (TEQ) approach² described in ³See the *Procedures for Calculating Cumulative Risk*, (Eff. 1/22/99, ⁴adopted by reference in 18 AAC 75.32-5

Register 149; am 8/27/2000, Register 155; am 1/30/2003, Register 165; am 10/9/2008, Register 188; am 6/17/2015, Register 214; am 11/6/2016, Register 220; am 9/29/2018, Register 227)

Authority:	AS 46.03.020	AS 46.03.740	AS 46.04.070
	AS 46.03.050	AS 46.03.745	AS 46.09.010
	AS 46.03.710	AS 46.04.020	AS 46.09.020

The introductory language of

18 AAC 75.355(c) is amended to read:

(c) If a hazardous substance is suspected at the site because of empirical evidence or prior analysis, but is not detected or is detected at a concentration below the **limit of**

quantitation [PRACTICAL QUANTITATION LIMIT], and the **limit of quantitation**

[PRACTICAL QUANTITATION LIMIT] is higher than the cleanup level for that substance,

⁵18 AAC 75.355(c)(1) is amended to read:

(1) the department will determine the responsible person to have attained the cleanup level[,], if [ADDITIONALLY THE MORE STRINGENT OF] the [FOLLOWING

CONDITIONS IS MET:] **limit of quantitation or limit of detection is equal to or no greater**

of quantitation

than the quantitation limit or limit of detection achieved by a laboratory approved for that method by the department under 18 AAC 78.800 – 18 AAC 78.815; and

[(A) THE PRACTICAL QUANTITATION LIMIT IS NO GREATER THAN 10 TIMES THE METHOD DETECTION LIMIT FOR ALL HAZARDOUS SUBSTANCES OTHER THAN POLYCHLORINATED BIPHENYLS WHERE THE PRACTICAL QUANTITATION LIMIT IS NO GREATER THAN FIVE TIMES THE METHOD DETECTION LIMIT; OR
~~18 AAC 75.355(c)(1)(A) is repealed;~~

~~2(A) repealed~~ 18 AAC 75.355(c)(1)(A) is repealed;

(B) THE PRACTICAL QUANTITATION LIMIT IS NO GREATER THAN THE PRACTICAL QUANTITATION LIMIT ESTABLISHED IN EPA'S TEST METHODS FOR EVALUATING SOLID WASTE, PHYSICAL/CHEMICAL METHODS (SW-846), THIRD EDITION, INCLUDING FINAL UPDATE IV (2009), ADOPTED BY REFERENCE; AND]
~~18 AAC 75.355(c)(1)(B) is repealed;~~

~~2(B) repealed~~ 18 AAC 75.355(c)(1)(B) is repealed;

Publisher: The existing introductory language of 18 AAC 75.355(c)(2) is unchanged.)))

18 AAC 75.355(c)(2) is amended to read:

2(2) [AND] if the department determines that additional action is necessary to ensure protection of human health, safety, or welfare, or of the environment, the department will require one or more of the following;

Publisher: Existing 18 AAC 75.355(c)(2)(A) is unchanged.)))

2(A) use of a surrogate measure to estimate the concentration of the hazardous substance;

(B) use of a specialized sample collection or analytical method to improve the accuracy, precision, limit of detection [METHOD DETECTION LIMIT], or limit of quantitation [PRACTICAL QUANTITATION LIMIT] for the hazardous substances at the site; or

Publisher: Retain "or")))

Publisher: Existing 18 AAC 75.355(c)(2)(C) is unchanged.)))

18 AAC 75.355(d) is amended to read:

(d) [AMONG THE ANALYTICAL METHODS SET OUT IN EPA'S TEST METHODS FOR EVALUATING SOLID WASTE, PHYSICAL/CHEMICAL METHODS (SW-846), AS

ADOPTED BY REFERENCE IN (c) OF THIS SECTION, IF THERE IS MORE THAN ONE ANALYTICAL METHOD FOR A HAZARDOUS SUBSTANCE, A RESPONSIBLE PERSON MAY SELECT ANY OF THOSE METHODS WITH A PRACTICAL QUANTITATION LIMIT LESS THAN THE APPLICABLE CLEANUP LEVEL. IF ONLY ONE ANALYTICAL METHOD HAS A PRACTICAL QUANTITATION LIMIT LESS THAN THE APPLICABLE CLEANUP LEVEL, THAT METHOD MUST BE USED.] Analysis for petroleum contamination must follow the applicable Alaska methods for petroleum hydrocarbons referred to in Table 1 of Chapter 2 of the *Underground Storage Tanks Procedures Manual*, dated **March 22, 2017** [AUGUST 18, 2014]. Table 1 of Chapter 2 and Appendices C and D of the *Underground Storage Tanks Procedures Manual*, dated **March 22, 2017** [AUGUST 18, 2014] are adopted by reference. (Eff. 1/22/99, Register 149; am 8/27/2000, Register 155; am

1/30/2003, Register 165; am 6/17/2015, Register 214; am 9/29/2018, Register 227)

Authority:	AS 44.46.025	AS 46.03.710	AS 46.04.020
	AS 46.03.020	AS 46.03.740	AS 46.04.070
	AS 46.03.050	AS 46.03.745	AS 46.09.020

~~The Editor's note for 18 AAC 75.355 is amended to read:~~

Editor's note [?] The document [DOCUMENTS] adopted by reference in 18 AAC 75.355 may be viewed at or obtained from the department's offices in Anchorage, Fairbanks, Juneau, and Soldotna, or the department's Internet website at [http://dec.alaska.gov/spar/csp/guidance-](http://dec.alaska.gov/spar/csp/guidance-forms)

forms.

Publisher: This edit was recently done as a reviewer's change. Please retain the new internet address, but delete the last sentence regarding EPA publication SW-846.)))

[~~HTTP://DEC.ALASKA.GOV/SPAR/CSP/GUIDANCE_FORMS/CSGUIDANCE.HTM~~][EPA'S

TEST METHODS FOR EVALUATING SOLID WASTE, PHYSICAL/CHEMICAL METHODS (SW-846) MAY ALSO BE VIEWED AT

HTTP://WWW.EPA.GOV/WASTES/HAZARD/TESTMETHODS/SW846/ONLINE/INDEX.H
TM.]

~~The Editor's note for 18 AAC 75.365 is amended to read:~~

Editor's note: The department's *Operation Requirements for Soil Treatment Facilities*, adopted by reference in 18 AAC 75.365(a)(1), may be viewed at or obtained from the department's offices in Anchorage, Fairbanks, Juneau, and Soldotna, or the department's Internet website at <http://dec.alaska.gov/spar/csp/guidance-forms>.

[HTTP://DEC.ALASKA.GOV/SPAR/CSP/GUIDANCE_FORMS/CSGUIDANCE.HTM.]

« Publisher: This edit was recently done as a revisor's change. Please retain the new Internet address. »

18 AAC 75.370(b) is amended to read:

(b) A responsible person, owner, or operator shall obtain approval before moving or disposing of soil subject to the site cleanup rules. (Eff. 1/22/99, Register 149; am 8/27/2000, Register 155; am 10/9/2008, Register 188; am 6/17/2015, Register 214; am 11/6/2016, Register 220; am 9/29/2018, Register 227.)

Authority:	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	

18 AAC 75.990(94) is repealed:

(94) repealed 9/29/2018;

18 AAC 75.990 is amended by adding new paragraphs to read:

(199) "limit of detection" is the smallest concentration of a substance that must be present

in a sample in order to be detected at the detection limit with 99% confidence. ² At the limit of detection, the false negative rate (Type II error) is 1%. A limit of detection may be used as the ² lowest concentration for reliably reporting a non-detect of a specific analyte in a specific matrix with a specific method at 99% confidence.

(200) “limit of quantitation” ² $\pi(A)$ means is the smallest concentration that produces a quantitative result with known and recorded precision and bias. ² $\therefore$; and $\pi(B)$ is The limit of quantitation shall be set at or above the concentration of the lowest initial calibration standard and within the calibration range. (Eff. 5/14/92, Register 122; am 9/25/93, Register 127; am 4/4/97, Register 142; am 4/11/97, Register 142; am 1/22/99, Register 149; am 8/27/2000, Register 155; am 10/28/2000, Register 156; am 11/27/2002, Register 164; am 12/14/2002, Register 164; am 1/30/2003, Register 165; am 8/8/2003, Register 167; am 5/26/2004, Register 170; am 12/30/2006, Register 180; am 10/9/2008, Register 188; am 4/8/2012, Register 202; am 9/4/2014, Register 211; am 6/17/2015, Register 214; am 4/16/2016, Register 218; am 11/6/2016, Register 220; 3/23/2017, Register 221; am 7/1/2017, Register 222; am 9/29/2018, Register 227)

Authority:	AS 46.03.020	AS 46.03.755	AS 46.04.055
	AS 46.03.050	AS 46.03.822	AS 46.04.070
	AS 46.03.710	AS 46.04.020	AS 46.08.140
	AS 46.03.740	AS 46.04.030	AS 46.09.010
	AS 46.03.745	AS 46.04.035	AS 46.09.020

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Byron Mallott
Lieutenant Governor

Date: August 30, 2018

File No.: JU2017200705

Thru:

Tel. No.: 465-3600

From: Steven C. Weaver 
Senior Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Department of Environmental
Conservation regulations re: cleanup
levels for soil and groundwater at
contaminated sites (18 AAC
75.325(g), (i); 18 AAC 75.340;
18 AAC 75.341(c); 18 AAC
75.345(b)(1); 18 AAC 75.355(c), (d);
18 AAC 75.370(b); 18 AAC 75.990)

The Department of Law has reviewed the attached regulations of the Department of Environmental Conservation against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. I have reviewed this project under a general delegation dated December 5, 2014 from the regulations attorney. The regulations were adopted by the Department of Environmental Conservation after the close of the public comment period. The regulations concern cleanup levels for soil and groundwater at contaminated sites, make updates to a number of adopted-by-reference documents, and make a number of miscellaneous updates.

The March 21, 2018 public notice and the June 27, 2018 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

cc: Honorable Larry Hartig, Commissioner
Department of Environmental Conservation

Gary Mendivil, Regulations Contact
Department of Environmental Conservation

Kristin Ryan, Director
Division of Spill Prevention and Response
Department of Environmental Conservation

Sally Schlichting
Division of Spill Prevention and Response
Department of Environmental Conservation

Jennifer Currie
Senior Assistant Attorney General
Environmental Section

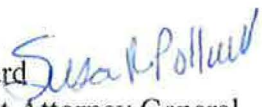
MEMORANDUM

State of Alaska Department of Law

To: The Honorable Byron Mallott
Lieutenant Governor

Date: December 5, 2014

Tel. No.: 465-3600

From: Susan R. Pollard 
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Re: Delegation of Authority for
Regulations Matters

In my absence, when I am traveling or otherwise out of the office, Senior Assistant Attorney General and Assistant Regulations Attorney Steven C. Weaver is designated as Acting Regulations Attorney. Under this delegation, Steve Weaver has my full authority under AS 44.62 to conduct the legal review of regulations or take necessary actions as Acting Regulations Attorney.

This delegation is effective immediately and is in effect until revoked by me.

If you have any questions, please let me know.

SRP/pav

cc: Scott Meriwether, AAC Coordinator
Office of the Lt. Governor

Jim Cantor, Deputy Attorney General
Civil Division

Nancy Gordon, Statewide Office Chief
Civil Division

Steven C. Weaver, Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Cori Mills, Assistant Attorney General
Legislation and Regulations Section

Linda Miller, Legal Editor
Legislation and Regulations Section

Lisa Rickey, Legal Editor
Legislation and Regulations Section

STATE OF ALASKA)
) ss.
1st JUDICIAL DISTRICT)

AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS
AND FURNISHING OF ADDITIONAL INFORMATION

I, Sally Schlichting, Environmental Program Manager I, of Department of Environmental Conservation, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 18 AAC 75 Oil and Other Hazardous Substances Pollution Control updating cleanup levels for soil and groundwater, along with minor housekeeping changes, has been given by being

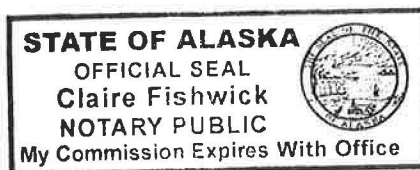
- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulations;
- (5) electronically transmitted to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulations, to the Legislative Affairs Agency, the chair of the Resources Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

As required by AS 44.62.190, additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on the Alaska Online Public Notice System.

DATE: 6/27/2018
 Juneau


Sally Schlichting, Environmental Program Manager

SUBSCRIBED AND SWORN TO before me this 27th day of June, 2018




Notary Public in and for the
State of Alaska
My commission expires: With Office

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

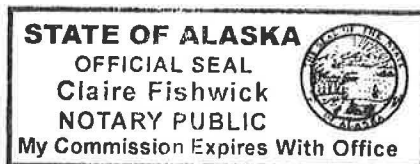
I, Sally Schlichting, Environmental Program Manager for the Department of Environmental Conservation being duly sworn, state the following:

In compliance with AS 44.62.215, the Department of Environmental Conservation has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Environmental Conservation regulations at 18 AAC 75 updating cleanup levels for soil and groundwater, along with minor housekeeping changes.

Date: 6/27/18
Juneau, Alaska


Sally Schlichting, Environmental Program Manager

SUBSCRIBED AND SWORN TO before me this 27th day of June, 2018




 Notary Public in and for the
 State of Alaska
 My commission expires: with office

CONTAMINATED SITES: NOTICE OF PROPOSED CHANGES
IN THE REGULATIONS OF ALASKA DEPARTMENT OF ENVIRONMENTAL
CONSERVATION

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation (DEC) is proposing to update cleanup levels for soil and groundwater for contaminated sites.

The Alaska Department of Environmental Conservation proposes to adopt regulation changes in Title 18, Chapter 75 of the Alaska Administrative Code, updating cleanup levels for soil and groundwater, along with minor housekeeping changes. The proposed changes include the following:

- (1) Amend 18 AAC 75.325 to update the department's *Procedures for Calculating Cumulative Risk* and adopt it by reference, add new language clarifying the requirements for obtaining approval to dispose of soil or groundwater from a site subject to the site cleanup rules.
- (2) Amend 18 AAC 75.340 to update the department's *Procedures for Calculating Cleanup Levels and Risk Assessment Procedures Manual* and adopt these documents by reference, and update terms.
- (3) Amend 18 AAC 75.341 to update soil cleanup levels and notes for method two in Table B1.
- (4) Amend 18 AAC 75.345 to update groundwater cleanup levels and notes in Table C.
- (5) Amend 18 AAC 75.355 to reflect current terms and best practices used in evaluating laboratory analytical data, repeal adoption of SW-846 by reference, and update the adopted by reference document, *Underground Storage Tanks Procedures Manual*.
- (6) Amend 18 AAC 75.370(b) to clarify who is required to obtain approval to move or dispose of soil or groundwater from a site subject to the site cleanup rules.
- (7) Amend 18 AAC 75.990 to repeal a definition and add two definitions.
- (8) In addition other conforming and housekeeping changes have been made throughout the chapter.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Sally Schlichting, Alaska Department of Environmental Conservation, 410 Willoughby Ave., Suite 303, P.O. Box 111800, Juneau, AK 99811-1800, by facsimile at: (907) 465-5218, or by e-mail to sally.schlichting@alaska.gov. Alternatively, you may submit your comments through the State of Alaska's online public notice website at: <http://aws.state.ak.us/OnlinePublicNotices/Default.aspx>. **All comments must be received by 5:00 p.m. on April 26, 2018.** Comments received after this date will not be considered in final action on these rules.

You may submit written questions relevant to the proposed action to Sally Schlichting by email to sally.schlichting@alaska.gov or by mail to Sally Schlichting, Alaska Department of Environmental Conservation, 410 Willoughby Ave, Suite 303, P.O. Box 111800, Juneau, AK 99811-1800. The questions must be received at least 10 days before the end of the public comment period. The

Department of Environmental Conservation will aggregate its response to substantially similar questions and make the questions and responses available on <http://dec.alaska.gov/spar/regulation-projects>. The Department of Environmental Conservation may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Natalie Wolfe at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 no later than April 18, 2018 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes and material proposed for adoption by reference is available on the Alaska Online Public Notice System at <http://aws.state.ak.us/OnlinePublicNotices/> or at <http://dec.alaska.gov/spar/regulation-projects> and by contacting Sally Schlichting at the address or email above or by phone at (907) 465-5076.

After the public comment period ends, the Department of Environmental Conservation will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.** Written comments received are public records and are subject to public inspection.

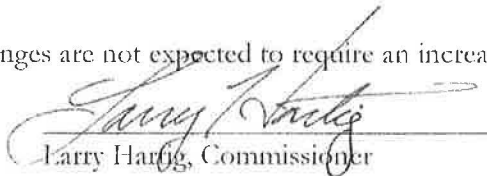
Statutory Authority: AS 46.03.010, AS 46.03.020, AS 46.03.050, AS 46.03.070, AS 46.03.710

Statutes Being Implemented, Interpreted, or Made Specific:

AS 44.46.025	AS 46.03.755	AS 46.04.070
AS 46.03.020	AS 46.03.822	AS 46.08.140
AS 46.03.050	AS 46.04.020	AS 46.09.010
AS 46.03.710	AS 46.04.030	AS 46.09.020
AS 46.03.740	AS 46.04.035	
AS 46.03.745	AS 46.04.055	

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

Dated: March 19, 2018
Anchorage, Alaska


Larry Harig, Commissioner

ADDITIONAL REGULATIONS NOTICE INFORMATION

(AS 44.62.190(d))

1. Adopting agency: Alaska Department of Environmental Conservation
2. General subject of regulation: Contaminated Sites
3. Citation of regulation (may be grouped): 18 AAC 75
4. Department of Law file number, if any: JU2017200705
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)
 - ☐ Development of program standards
 - ☒ Other (identify): Updated science, laboratory practices, and improve regulations
6. Appropriation/Allocation: Spill Prevention and Response Division/Contaminated Sites Program.
7. Estimated annual costs in the aggregate to comply with the proposed action:

Private Persons: There are no increased costs to private persons or businesses who are not involved in contaminated sites. Updated scientific information necessitates corresponding amendments to Table C. Groundwater Cleanup Levels and Table B1. Method Two Soil Cleanup Levels. There may be potential compliance costs for owners and operators of facilities with contaminated sites (responsible parties), but the *net* cost impact of changes is expected to be negligible. There is potential for slight cost savings as a result of less stringent cleanup levels for the more commonly detected compounds, such as polycyclic aromatic hydrocarbons, relative to a few increased cleanup levels for rarely detected compounds, but this effect would be site-specific. Increased flexibility is provided in the amendment to 18 AAC 75.325(i) which allows for owners or operators of closed sites that meet method two soil and Table C groundwater cleanup levels to move soil or groundwater without department approval, this revision has the potential to result in a direct time savings.

Should there be concern about compliance costs due to these proposed changes the department encourages the submission of public comments which reference costs and provide specific cost information.

Other State Agencies: No additional costs. Where a state agency is considered a responsible party, owner, and/or operator of an active contaminated site with amended compound cleanup levels revised review the "Private Persons" section above.

Municipalities: No additional costs. Where a municipality is considered a responsible party, owner, and/or operator of an active contaminated site with amended compound cleanup levels revised review the "Private Persons" section above.

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

	Initial Year FY 2019	Subsequent 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:

Name: Sally Schlichting
Title: Unit Manager for Technical Services, Policy and Regulations
Address: ADEC, Contaminated Sites Program
410 Willoughby Ave. Suite 303, P.O. Box 111800, Juneau, AK 99811-1800

Telephone: (907) 465-5076

E-mail address sally.schlichting@alaska.gov

10. The origin of the proposed action:

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

11. Date: March 19, 2018 Prepared by: 

Name (printed): Sally Schlichting

Title (printed): Unit Manager for Technical Services, Policy and Regulations

Telephone: (907) 465-5076

ANCHORAGE DAILY NEWS

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Joleesa Stepetin

being first duly sworn on oath deposes and says that he/she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

March 21, 2018

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed

Joleesa Stepetin

Subscribed and sworn to before me
this 21st day of March, 2018

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

PUBLIC NOTICE

CONTAMINATED SITES: NOTICE OF PROPOSED CHANGES
IN THE REGULATIONS OF ALASKA DEPARTMENT OF ENVIRONMENTAL
CONSERVATION

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation (DEC) is proposing to update cleanup levels for soil and groundwater for contaminated sites.

The Alaska Department of Environmental Conservation proposes to adopt regulation changes in Title 18, Chapter 75 of the Alaska Administrative Code, updating cleanup levels for soil and groundwater, along with minor housekeeping changes. The proposed changes include the following:

- (1) Amend 18 AAC 75.325 to update the department's Procedures for Calculating Cumulative Risk and adopt it by reference, add new language clarifying the requirements for obtaining approval to dispose of soil or groundwater from a site subject to the site cleanup rules.
- (2) Amend 18 AAC 75.340 to update the department's Procedures for Calculating Cleanup Levels and Risk Assessment Procedures Manual and adopt these documents by reference, and update terms.
- (3) Amend 18 AAC 75.341 to update soil cleanup levels and notes for method two in Table B1.
- (4) Amend 18 AAC 75.345 to update groundwater cleanup levels and notes in Table C.
- (5) Amend 18 AAC 75.355 to reflect current terms and best practices used in evaluating laboratory analytical data, repeal adoption of SW-846 by reference, and update the adopted by reference document, Underground Storage Tanks Procedures Manual.
- (6) Amend 18 AAC 75.370(b) to clarify who is required to obtain approval to move or dispose of soil or groundwater from a site subject to the site cleanup rules.
- (7) Amend 18 AAC 75.990 to repeal a definition and add two definitions.
- (8) In addition other conforming and housekeeping changes have been made throughout the chapter.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Sally Schlichting, Alaska Department of Environmental Conservation, 410 Willoughby Ave., Suite 303, P.O. Box 111800, Juneau, AK 99811-1800, by facsimile at: (907) 465-5218, or by e-mail to sally.schlichting@alaska.gov. Alternatively, you may submit your comments through the State of Alaska's online public notice website at: <http://aws.state.ak.us/OnlinePublicNotices/Default.aspx>.

All comments must be received by 5:00 p.m. on April 26, 2018. Comments received after this date will not be considered in final action on these rules.

You may submit written questions relevant to the proposed action to Sally Schlichting by email to sally.schlichting@alaska.gov or by mail to Sally Schlichting, Alaska Department of Environmental Conservation, 410 Willoughby Ave, Suite 303, P.O. Box 111800, Juneau, AK 99811-1800. The questions must be received at least 10 days before the end of the public comment period. The Department of Environmental Conservation will aggregate its response to substantially similar questions and make the questions and responses available on <http://dec.alaska.gov/spar/regulation-projects>. The Department of Environmental Conservation may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Natalie Wolfe at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 no later than April 18, 2018 to ensure that any necessary accommodations can be provided.

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