

**The following questions were provided to the department by the public regarding proposed amendments at 18 AAC 70.010(d). DEC responses are noted in green.**

Is the substitution of 18 AAC 60 for solid waste only?

No, the solid waste regulations referenced under this action at 18 AAC 60.800 establishes groundwater protection monitoring from a potential pollutant source based on undisturbed, prevailing groundwater quality.

Can these water quality-based effluent limitations rely on mixing zones?

This regulation revision does not affect mixing zone regulations at 18 AAC 70.240.

Does it pertain to the entirety of 18 AAC 60 or just the monitoring and corrective actions on groundwater?

DEC's authority to develop and issue groundwater discharge authorizations are founded in Alaska Statute (AS) 46.03.100(d), which states, "*The department may issue an integrated waste management and disposal authorization covering multiple related or unrelated waste management or disposal activities to be conducted at a facility, including generation, treatment, storage, and disposal of solid or liquid waste.*" 18 AAC 70.010(d) refers to 18 AAC 60 such that all applicable sections regarding the management of solid waste and groundwater impacts are applicable.

Does a natural conditions finding have to be made prior to developing effluent limitations? Or does 18 AAC 60 stand on its own?

The procedures in 18 AAC 60 stand on their own and do not require a natural condition finding. A natural condition finding as per 70.010(d)(1) alters the regulatory WQC which can be then used to establish permit limits. The procedures under 18 AAC 60 establishes monitoring triggers. Both processes utilize the prevailing, undisturbed water quality as the basis.

Since 18 AAC 60 mentioned groundwater monitoring, is the agency contemplating WQB effluent limits for groundwater discharge?

No. DEC already has authority to establish water quality-based effluent limits for discharges to groundwater if necessary.

Can you speak to the non-applicability of groundwater standards in 18 AAC 70 and all the monitoring described in 18 AAC 60. Is the monitoring to be compared with a specific finding of a Natural Conditions criteria or 18 AAC fresh water criteria?

The proposed revision to 18 AAC 70.010(d) establishes the applicability of various existing regulatory methodologies available for discharges which are not regulated under the Clean Water Act. For these discharges, the Department may establish WQBELs or utilize applicable procedures for managing discharges where the conditions of the receiving water prior to anthropogenic inputs do not meet WQS for a specific pollutant or pollutants.