

Nancy Dahlstrom  
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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Jessalynn Rintala, Department of Environmental Conservation

**FROM:** April Simpson, Office of the Lieutenant Governor *AS*  
465.4081

**DATE:** December 9, 2024

**RE:** Filed Permanent Regulations: Department of Environmental Conservation

Department of Environmental Conservation regulations re: Clarify wastewater discharge standards - natural conditions (18 AAC 70.010(d))

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Attorney General File:	2023200601
Regulation Filed:	12/9/2024
Effective Date:	1/8/2025
Print:	253, April 2025

cc with enclosures: Beth Parsons, Department of Law  
Bob Dame, LexisNexis



THE STATE  
*of* ALASKA  
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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December 9, 2024

The Honorable Nancy Dahlstrom  
Lieutenant Governor  
State of Alaska  
P.O. Box 110015  
Juneau, AK 99811-0015

Re: *18 AAC 70.010(d): DEC - Clarify wastewater discharge standards -  
natural conditions*  
Our file: 2023200601

Dear Lieutenant Governor Dahlstrom:

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 letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Environmental Conservation after the close of the public comment period.

The regulations amend 18 AAC 70.010(d) to clarify the procedures the department will follow when establishing quality-based effluent limits for a water of the state that is not subject to the federal Clean Water Act and does not meet state water quality standards. Additionally, the procedures the department will follow for doing so are expanded to include the monitoring requirements for groundwater under 18 AAC 60.

The June 20, 2024 public notice and the December 5, 2024 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

No technical corrections were necessary to conform the regulations in accordance with AS 44.62.060.

Sincerely,

TREG TAYLOR  
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto**  
Rebecca C. Polizzotto  
Chief Assistant Attorney General  
Legislation, Regulations, and  
Legislative Research Section

Digitally signed by  
Rebecca C. Polizzotto  
Date: 2024.12.09  
09:53:56 -09'00'

RCP/BWS

CC w/enclosure: Jessalynn Rintala, Environmental Program Specialist 4  
Department of Environmental Conservation

Cam Jimmo, Assistant Attorney General  
Department of Law

Brad Sharp, Assistant Attorney General  
Department of Law

ORDER ADOPTING CHANGES TO REGULATIONS  
OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The attached page of regulations, dealing with state water quality standards, is 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 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 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: 12/5/2024

  
\_\_\_\_\_  
Emma Pokon, Commissioner  
Department of Environmental Conservation

*April Simpson for*

FILING CERTIFICATION

I, *Nancy Dahlstrom*, Lieutenant Governor for the State of Alaska, certify that on *December 9*, 2024, at *2:50 p.m.*, I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

*for*   
\_\_\_\_\_  
*for* Lieutenant Governor *Nancy Dahlstrom*

Effective: *January 8, 2025*.

Register: *253, April 2025*.

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:**

**April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.**



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM  
LIEUTENANT GOVERNOR**

18 AAC 70.010(d) is amended to read:

(d) Where the department determines that the natural conditions of a water of the state **not subject to 33 U.S.C. 1251 – 1387 (Clean Water Act)** is of lower quality than the water quality criteria set out in 18 AAC 70.020(b), the natural condition supersedes the criteria and becomes the standard for that water. When establishing [A] water **quality-based effluent limits** [QUALITY STANDARD] based on [THE] natural conditions in a permit, certification, or other written decision, the department will follow the procedures set out in the

- **(1)** department’s *Guidance for the Implementation of Natural Condition-Based Water Quality Standards*, dated November 15, 2006, and adopted by reference; **or**

**(2) monitoring requirements for groundwater, set out under 18 AAC 60.** (Eff.

11/1/97, Register 143; am 12/28/2006, Register 180; am 1 / 8 / 2025, Register 253)

<b>Authority:</b>	AS 46.03.010	AS 46.03.070	AS 46.03.110
	AS 46.03.020	AS 46.03.080	AS 46.03.710
	AS 46.03.050	AS 46.03.100	AS 46.03.720