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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Jessalynn Rintala, Environmental Program Specialist IV
Department of Environmental Conservation

FROM: April Simpson, Alaska Administrative Code Coordinator 
Office of the Lieutenant Governor

DATE: July 14, 2025

RE: Filed Permanent Regulations: Department of Environmental Conservation

Department of Environmental Conservation regulations re: Wastewater - Construction
Inspection Definition (18 AAC 72.511 - .518; .990)

Attorney General File:	2024200513
Regulation Filed:	7/14/2025
Effective Date:	8/13/2025
Print:	255, October 2025

cc with enclosures: Beth Parsons, Paralegal 2
Department of Law

Bob Dame, Alaska Legal Analyst
LexisNexis



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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July 11, 2025

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

Re: *18 AAC 72.511-.518; .990: DEC - Wastewater - Construction Inspection
Definition*
Our file: 2024200513

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.

In response to concerns from the State Board of Registration for Architects, Engineers, and Land Surveyors regarding the former terms "supervise construction" and "construction supervision" in the wastewater disposal regulations, and how the definition of those terms could be interpreted to impact the scope of a registered engineer's responsibilities, the regulations now set out a definition of "inspect construction" and "construction inspection," that more tightly express a registered engineer's function, and make conforming amendments across the wastewater disposal regulations.

The December 1, 2024 public notice and the July 10, 2025 order adopting changes 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.

We have made a technical correction to conform the regulations in accordance with AS 44.62.060. The correction is incorporated into the attached copy of the regulations.

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: 2025.07.11
10:10:53 -08'00'

RCP/SCW

CC w/enclosure: Jessalynn Rintala, Regulations Contact
Department of Environmental Conservation

Cam Q. Jimmo, Assistant Attorney General
Department of Law

Steven C. Weaver, Assistant Attorney General
Department of Law

ORDER ADOPTING CHANGES TO REGULATIONS
OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The attached four pages of regulations, dealing with the term "Construction Inspection", 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 44.46.020; AS 44.46.025; AS 46.03.020; AS 46.03.050; AS 46.03.100; AS 46.03.110; and AS 46.03.710 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: 7/10/2025

Signed by: 
52E9B3E0D0544C1
Randy Bates, Commissioner

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on

July 14, 2025, at 10:50a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for 
Lieutenant Governor *Nancy Dahlstrom*

Effective: August 13, 2025.

Register: 255, October 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 72.511(b) is amended to read:

(b) A conventional onsite wastewater system that serves any combination of residential dwellings or commercial buildings owned by the same entity with a total facility-wide design flow of not more than 2,500 gallons per day may be installed without prior department approval if the system is installed by a person whose work is completed according to a registered engineer's design and the engineer **inspects** [SUPERVISES] construction. (Eff. 10/1/2023, Register 247; am 8 / 13 / 2025, Register 255)

Authority: AS 44.46.020 AS 46.03.050 AS 46.03.110
AS 46.03.020

The introductory language of 18 AAC 72.550(a) is amended to read:

(a) **The person described in 18 AAC 72.511(a) - (c)** [A PERSON WHO PLANS TO INSTALL A SYSTEM UNDER 18 AAC 72.511] shall notify the department at least one day before beginning construction or modification of the system. The notification must **be on a form provided by the department and** include

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The introductory language of 18 AAC 72.550(c) is amended to read:

(c) Not later than 90 days after completing the installation or modification of a conventional onsite wastewater system under 18 AAC 72.511, the person **described in 18 AAC 72.511(a) - (c)** [RESPONSIBLE FOR CONSTRUCTION OF THE SYSTEM] shall register the system by submitting a completed documentation of construction, using a form provided by the department and including

...

(Eff. 10/1/2023, Register 247; am 8 / 13 / 2025, Register 255)

Authority: AS 44.46.020 AS 46.03.020 AS 46.03.100
AS 44.46.025 AS 46.03.050

The introductory language of 18 AAC 72.611(a)(5) is amended to read:

(5) **is one for which** the registered engineer, or a person under the responsible charge of the registered engineer, **inspects** [SUPERVISES] construction as necessary to

...

(Eff. 10/1/2023, Register 247; am 8 / 13 / 2025, Register 255)

Authority: AS 44.46.020 AS 46.03.050 AS 46.03.100
AS 46.03.020

18 AAC 72.650(a) is amended to read:

(a) A registered engineer **described in** [WHO PLANS TO INSTALL A SYSTEM UNDER] 18 AAC 72.611(a) shall notify the department at least one day before beginning construction or modification of the alternative onsite wastewater system. The notification must **be on a form provided by the department and** include

(1) the legal description and physical address of the property where the installation or modification will occur, including directions to the site;

(2) the name and telephone number of the **registered** engineer responsible for the system **design, construction inspection,** [INSTALLATION] and documentation; and

(3) the scheduled date of the installation or modification.

The introductory language of 18 AAC 72.650(c) is amended to read:

(c) Not later than 90 days after completing the installation or modification of an alternative wastewater system under 18 AAC 72.611(a), the registered engineer **described in 18 AAC 72.611(a)** [RESPONSIBLE FOR CONSTRUCTION OF THE SYSTEM] shall submit to the department a completed registration package that includes

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(Eff. 10/1/2023, Register 247; am 8 / 13 / 2025, Register 255)

Authority: AS 44.46.020 AS 46.03.020 AS 46.03.100
AS 44.46.025 AS 46.03.050

The introductory language of 18 AAC 72.990(16) is amended to read:

(16) "construction **inspection** [SUPERVISION]" or "**inspects** [SUPERVISING] construction" means [PROVIDING OVERSIGHT AND DIRECTION DURING CONSTRUCTION SUCH THAT] the **registered** [SUPERVISING] engineer, or a person under the **registered** [SUPERVISING] engineer's responsible charge

• • •

18 AAC 72.990(78) is amended to read:

(78) "sealed" means prepared by a registered engineer or a person under that engineer's **responsible charge** [DIRECT SUPERVISION], and bearing the signature and seal of that engineer as required under AS 08.48.221 and 12 AAC 36.185;

Register 255, October 2025 ENVIRONMENTAL CONSERVATION

18 AAC 72.990(100) is repealed:

(100) repealed 8 / 13 / 2025 ;

(Eff. 4/1/99, Register 149; am 3/25/2001, Register 157; am 1/17/2002, Register 161; am 7/29/2006, Register 179; am 5/12/2016, Register 218; am 10/1/2023, Register 247; am

8 / 13 / 2025, Register 255)

Authority:	AS 44.46.020	AS 46.03.050	AS 46.03.110
	AS 46.03.020	AS 46.03.100	AS 46.03.710