

NOTICE OF PROPOSED CHANGES ON WATER QUALITY STANDARDS  
IN THE REGULATIONS OF  
THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation (DEC), Division of Water proposes to expand regulatory options to comply with state water quality standards for copper end-of-pipe permit limits. Amended regulations would provide an alternate, yet equally protective, method for calculating copper criteria on a site-specific basis. This method would not alter copper criteria, or the method used to calculate those criteria on a statewide basis.

DEC proposes adopting regulation changes in Title 18, Chapter 70 of the Alaska Administrative Code addressing water quality standards, including the following:

1. DEC is proposing to amend regulations at 18 AAC 70.020(b) and 18 AAC 70.235 to allow for the development and issuance of freshwater site-specific criteria for copper for the protected use of Growth and Propagation of Fish, Shellfish, Other Aquatic Life, and Wildlife using a DEC-developed performance-based approach (PBA) that employs the biotic ligand model. The PBA will be used to calculate wastewater discharge permit limits for authorized permittees regulated under state authorized permits or the Alaska Pollutant Discharge Elimination System program.
2. An implementation document describing this process is proposed to be adopted by reference in the Alaska Water Quality Criteria Manual for Toxic and Other Deleterious Organic and Inorganic Substances in note 20.

You may comment on the proposed regulation changes, including the potential costs to private persons for complying with the proposed changes, by submitting written comments electronically to the Department of Environmental Conservation public notice site at <https://dec.alaska.gov/commish/public-notice/>. Additionally, DEC will accept comments submitted by mail and addressed to Rachel Newell, DEC Division of Water at 555 Cordova St, Anchorage, Alaska 99501-2617 or by electronic mail to [rachel.newell@alaska.gov](mailto:rachel.newell@alaska.gov). The comments must be received no later than 11:59 p.m. on **Friday, October 24, 2025**.

Oral or written comments also may be submitted at a hearing to be held virtually on **Monday, October 6, 2025**. Instructions for attending the virtual hearing can be found at <https://dec.alaska.gov/water/water-quality/standards/>. There will not be in-person attendance provided at the hearing site, so please prepare to share your oral comments at the virtual hearing only. The hearing is scheduled from 4:00 p.m. to 6:00 p.m. and priority will be given to commenters on the line before the beginning of the hearing. The hearing may be extended to accommodate those on the line before 5:30 p.m. who did not have an opportunity to comment. Before the start of the hearing DEC may limit the time allotted for each person providing oral testimony as reasonably necessary to conclude the hearing in the time provided.

You may submit written questions relevant to the proposed action to Rachel Newell by electronic mail at [rachel.newell@alaska.gov](mailto:rachel.newell@alaska.gov) or to Water Quality Standards Section, DEC Division of Water, 555 Cordova St, Anchorage, Alaska 99501-2617. All questions must be received at least 10 days before the end of the public comment period. DEC will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and at <https://dec.alaska.gov/water/water-quality/standards/>.

DEC 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.

The Alaska Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need accommodation in order to participate in this process, please contact Kristin Mabry, [kristin.mabry@alaska.gov](mailto:kristin.mabry@alaska.gov), 1-907-334-0884; or TDD Relay Service 1-800-770-8973/TTY or dial 711 prior to **September 30, 2025** to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes and documents proposed for adoption by reference are available on the Alaska Online Public Notice System, are posted on the website of the Department of Environmental Conservation, Division of Water, or are available by contacting Rachel Newell at [rachel.newell@alaska.gov](mailto:rachel.newell@alaska.gov) or (907) 269-7624.

After the public comment period ends, DEC 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. DEC will make all comments received available in their entirety on DEC's public notice site at <https://dec.alaska.gov/commish/public-notice/>.

**Statutory Authority:** AS 46.03.020; AS 46.03.050; AS 46.03.070; AS 46.03.080.

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 46.03.010; AS 46.03.020; AS 46.03.050; AS 46.03.070; AS 46.03.080


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

The Water Division keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all DEC Water Division notices of proposed regulation changes. To be added to or removed from the list, send a request to DEC at [rachel.newell@alaska.gov](mailto:rachel.newell@alaska.gov) giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Individuals can also sign up to receive automated notifications of all State of Alaska notices, including public notice for regulation changes, by subscribing to the Alaska Online Public Notices System: <https://aws.state.ak.us/OnlinePublicNotices/Default.aspx>.

8/6/2025

Date

Signed by:  
  
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Randy Bates, Commissioner