

State of Alaska

**DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
DIVISION OF WATER**



18 AAC 70

Water Quality Standards

DRAFT AMENDMENTS

Public Comment Version – August 15, 2025

The introductory language of 18 AAC 70.020(b) is amended to read:

(b) Except as modified by or under 18 AAC 70.220 or 18 AAC 70.235, the water quality criteria set out in the following table, and in the *Alaska Water Quality Criteria Manual for Toxic and Other Deleterious Organic and Inorganic Substances*, dated **{adoption date of regulations}** [DECEMBER 12, 2008] and adopted by reference, in combination with the classes and subclasses of water use set out in (a) of this section, constitute the water quality standards for a particular waterbody; the water quality standards regulate human activities that result in alterations to waters within the state's jurisdiction:

...

18 AAC 70.020(b) Note 5 is amended to read:

5. Wherever cited in this subsection, the *Alaska Water Quality Criteria Manual* means the *Alaska Water Quality Criteria for Toxic and Other Deleterious Organic and Inorganic Substances*, dated **{adoption date of regulations}** [OCTOBER 5, 2022,] and adopted by reference in this subsection.

(Eff. 11/1/97, Register 143; am 4/29/99, Register 150; am 5/27/99, Register 150; am 6/22/2003, Register 166; am 6/13/2006, Register 178; am 9/1/2006, Register 179; am 9/19/2009, Register 191; am 5/26/2011, Register 198; am 2/19/2016, Register 217; am 2/5/2017, Register 221; am 11/13/2022, Register 244; am 4/26/2024, Register 250; am ____/____/_____, Register _____)

Authority:	AS 46.03.010	AS 46.03.050	AS 46.03.080
	AS 46.03.020	AS 46.03.070	AS 46.03.710

18 AAC 70.235 is repealed and readopted to read:

18 AAC 70.235. Site-specific criteria. (a) The department may establish a site-specific water quality criterion that modifies a water quality criterion set out in 18 AAC 70.020(b)

(1) in a permit as set out under (b) of this section; or

(2) in regulation as set out under (c) of this section.

(b) Upon application, the department may set site-specific criteria in a permit using a performance based approach adopted by the department under this chapter.

(c) Upon application, or on its own initiative, the department may set site-specific criteria in regulation if the department finds that the evidence reasonably demonstrates that the site-specific criterion will fully protect designated uses in 18 AAC 70.020(b) and that

(1) for reasons specific to a certain site, a criterion in 18 AAC 70.020(b) is more stringent or less stringent than necessary to ensure full protection of the corresponding use class; or

(2) a criterion would be better expressed in terms different from those used in 18 AAC 70.020(b).

(d) The department will set a site-specific criterion under (b) or (c) of this section for the "growth and propagation of fish, shellfish, other aquatic life, and wildlife" use classes in 18 AAC 70.020(a)(1)(C) and 18 AAC 70.020(a)(2)(C) only if the department finds that the evidence is sufficient to reasonably demonstrate that

(1) the species or habitats present, or expected to be present under natural conditions, are more sensitive or less sensitive to a substance than indicated by the criterion, and a site-specific criterion is required to prevent adverse effects or to alleviate an unnecessarily restrictive general criterion; or

(2) the natural characteristics of the receiving environment would increase or reduce the biological availability or the toxicity of a substance, or otherwise alter the substance, and a site-specific criterion is required to prevent adverse effects or to alleviate an unnecessarily restrictive general criterion.

(e) An applicant seeking a site-specific criterion under this section shall provide all information that the department determines is necessary to modify an existing criterion. The department will, in a timely manner, request and review for completeness, information submitted under this subsection. In all cases, the burden of proof is on the applicant seeking a site-specific criterion. (Eff. 11/1/97, Register 143; am 4/29/99, Register 150; am 12/28/2006, Register 180; am ____/____/_____, Register _____)

Authority:	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