

Alaska Oil and Gas Association

Please see attached comment information.

Alaska Oil and Gas Association



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March 18, 2022

VIA: Electronic Submission Only
<https://dec.alaska.gov/comment/>

Tonya Bear
Division of Water
Alaska Department of Environmental Conservation
610 University Avenue
Fairbanks, AK 99709

Re: Comments of the Alaska Oil and Gas Association regarding the Notice of Proposed Changes in Wastewater Treatment and Disposal Regulations at 18 AAC 72 of the Alaska Department of Environmental Conservation

Dear Ms. Bear:

This letter provides the comments of the Alaska Oil and Gas Association (“AOGA”) in response to the proposal of the Alaska Department of Environmental Conservation (“ADEC”) to revise the wastewater treatment and disposal regulations at 18 AAC Part 72.

AOGA is a non-profit, professional trade association whose mission is to foster the long-term viability of the oil and gas industry for the benefit of all Alaskans. AOGA’s membership includes 14 companies representing the industry in Alaska that have state and federal interests, both onshore and offshore. AOGA’s members have a well-established history of prudent and environmentally responsible oil and gas exploration, development, and production in Alaska. AOGA’s members have and will continue to develop and operate projects that contain wastewater systems that are subject to Alaska’s regulations for wastewater treatment and disposal.

AOGA appreciates ADEC’s efforts to revise the wastewater regulations and engage with the regulated community during this process. AOGA provides these comments to offer the perspective of AOGA’s members and the regulated community.

AOGA supports revising the regulations to clarify them and create a more linear approach to permitting. Many of the proposed changes do that. Unfortunately, despite the efforts of ADEC, several of the proposed changes do not provide the clear direction that the regulated community needs.

AOGA has four main concerns with the proposed regulations:

1. The proposed regulations significantly change how non-domestic wastewater treatment systems are regulated and make non-domestic systems subject to requirements that are inappropriate or inapplicable. By removing the word “domestic” in multiple locations, the regulations establish one regulatory scheme for both non-domestic and domestic wastewater systems. The result is that non-domestic systems must meet requirements that, while applicable to domestic systems, are not appropriate or applicable to non-domestic systems. AOGA requests that ADEC modify the proposed regulations to separate domestic and non-domestic regulatory requirements to reflect the specific needs and attributes of these different systems.

Specific examples of this mismatch between domestic requirements and non-domestic systems illustrate this concern. For example, 18 AAC 72.205 fails to distinguish between domestic and non-domestic systems and, as a result, requires a certified operator under 18 AAC 74 for certain non-domestic systems. But, to AOGA’s knowledge, the state does not have a certification program for operators of non-domestic systems, so non-domestic system operators would have no method to meet this requirement. Similarly, 18 AAC 72.270(b) establishes collection and pumping design criteria that are typically applied to domestic systems but, under the proposed regulations, would also be applied to non-domestic systems. The result is unworkable requirements and prohibitions for non-domestic systems, like prohibiting petroleum products from entering a non-domestic collection system that was specifically designed to address petroleum products. See 18 AAC 72.270(b)(9). AOGA requests that ADEC modify the proposed regulations to set separate, appropriate requirements for domestic and non-domestic systems to avoid confusion and unworkable regulatory requirements.

2. 18 AAC 72.015 prohibits the use of cesspools, log cribs, and any system using wood components in contact with wastewater, despite the success of these structures in helping to treat wastewater. The new, flat prohibition on these established, functioning systems raises concerns about the viability of existing wastewater systems that use them and financial impacts. AOGA requests that ADEC reconsider this prohibition and, at a minimum, amend the regulations to allow operators to phase these structures out over time.

In addition, the specific prohibition in 18 AAC 72.015 on wood and wood fiber products would eliminate preferred support media for modern wastewater systems, including fixed-film bioreactors and trickling filters. AOGA requests that ADEC reconsider this prohibition but, if the prohibition is retained, modify 18 AAC 72.015(a)(3) to read:

any system utilizing wood components in contact with wastewater unless the component is included in a treatment system certified by a registered engineer.

3. The proposed regulations change the timeframes for plan review for wastewater system construction, modification, and operation by placing strict time limits on applicants with no corresponding time limits for ADEC. For example, 18 AAC 72.220(f) requires applicants to reapply if the applicant fails to meet a 45-day deadline for providing additional information. AOGA supports efficiency in plan review but requests that ADEC modify the proposed regulations to add timeframes for ADEC plan review, thereby making efficiency a shared responsibility.
4. The proposed regulations create potential confusion by appearing to restate regulatory requirements from outside 18 AAC 72 rather than incorporating them by reference. The confusion arises because it is not clear if the proposed regulations truly intend to restate existing requirements or, instead, are creating new requirements. If the intent is to incorporate regulatory requirements outside of 18 AAC 72, AOGA requests that ADEC modify the proposed regulations to expressly incorporate by reference, as was done with 18 AAC 15, 18 AAC 80, and 18 AAC 83.

These concerns and others are discussed in detail in the attached chart.

AOGA appreciates the opportunity to comment on the proposed regulations. If you have questions about the information we have submitted, please contact me.

Sincerely,
ALASKA OIL AND GAS ASSOCIATION



Kara Moriarty
President/CEO

18 AAC 72 Article 1. General Standards, Requirements, and Limitations

Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment
18 AAC 72.010	18 AAC 72.010	Permit and Plan Approval <u>Required</u> [REQUIREMENTS].	None	
18 AAC 72.010 (a)	18 AAC 72.010 (a)	(a) <u>Except for systems exempted from plan review under 18 AAC 72.511 or 18 AAC 72.611</u> , a person who disposes of [DOMESTIC] wastewater <u>in this state</u> [INTO OR ONTO LAND, SURFACE WATER, OR GROUNDWATER] must have a <u>plan approved by the department and a permit</u> [FROM] <u>issued by</u> the department, if the department requires a permit [PERSON TO OBTAIN APPROVAL] under [18 AAC 72.215 OR UNDER] 18 AAC 83[, AND A PLAN APPROVED BY THE DEPARTMENT IF THE DEPARTMENT REQUIRES A PERSON TO OBTAIN APPROVAL UNDER 18 AAC 72.200] for the disposal.	Amended	Removing the term “domestic” means a wide range of discharges fall under this requirement. Recommend that ADEC clarify if the intent is to include non-domestic discharges from oil and gas, mining, or fish processing operations under this plan review requirement, or if 18 AAC 72.010(c) is intended to exclude such discharges.
18 AAC 72.010 (b)	18 AAC 72.010 (b)	(b) <u>The department may issue a plan approval in lieu of a permit under this chapter if the department determines that</u> BEFORE SUBMITTING A PERMIT APPLICATION OR PLAN FOR REVIEW AND APPROVAL UNDER THIS CHAPTER, THE APPLICANT MAY REQUEST A PREAPPLICATION CONFERENCE TO DISCUSS THE CONCEPTUAL PLAN AND TO RESOLVE ANY ISSUES WITH THE DEPARTMENT. THE DEPARTMENT WILL HOLD THE CONFERENCE WITHIN 15 DAYS AFTER THE DATE OF A REQUEST, OR LATER AT THE APPLICANT'S REQUEST. THE CONFERENCE WILL BE ATTENDED BY THE DEPARTMENT STAFF EXPECTED TO PERFORM THE REVIEW. AGREEMENTS REACHED AT THE CONFERENCE WILL BE RECORDED IN WRITING AND SENT TO THE APPLICANT AND OTHER PARTICIPANTS WITHIN FIVE DAYS AFTER THE CONFERENCE UNLESS ANOTHER DATE IS AGREED UPON BY THE APPLICANT AND THE DEPARTMENT.	Amended	
18 AAC 72.010 (b)(1)		<u>(1) the system meets the requirements of AS 46.03 and this chapter; and</u>	Added	
18 AAC 72.010 (b)(2)		<u>(2) the system is protective of public health, public and private water systems, and the environment.</u>	Added	

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18 AAC 72.010 (c)	18 AAC 72.010 (c)	(c) <u>The department may consider a permit issued under 18 AAC 83 or 18 AAC 15 as the plan approval required under 18 AAC 72.200 to modify a previously approved wastewater treatment works and disposal system or to serve as the approval to operate required under 18 AAC 72.240.</u> [WITHIN 90 DAYS AFTER COMPLETING THE INSTALLATION OR MODIFICATION OF AN ONSITE SYSTEM, A PERSON DESCRIBED IN 18 AAC 72.015(B) - (D) SHALL SUBMIT, IN ACCORDANCE WITH (D) OF THIS SECTION, A COMPLETED DOCUMENTATION OF CONSTRUCTION FORM PROVIDED BY THE DEPARTMENT; AND]	Amended	As stated in (a) above, recommend that ADEC clarify when plan review for industrial discharges such as those from mining, oil and gas, and fish processing that are covered under a permit issued under 18 AAC 83 or 18 AAC 15 would be required.
18 AAC 72.015	18 AAC 72.015	Restrictions on use and modifications. [RESTRICTIONS; INSTALLATION OR MODIFICATION OF CERTAIN SYSTEMS.]	Amended	
18 AAC 72.015 (a)	18 AAC 72.015 (a)	(a) A person may not install, modify, or use the following systems [USE A CESSPOOL] for [DOMESTIC] wastewater treatment or disposal.	Amended	This language makes any such system illegal to use as is. A prohibition on installation or modification of such systems would allow them to be phased out over time. Recommend removing the term "use".
18 AAC 72.015 (a)(1)		<u>(1) a cesspool;</u>	Added	As written, the proposed regulation prohibits the use of existing cesspool onsite wastewater systems. There are numerous cesspool onsite wastewater systems actively in use throughout Alaska and many are in good, working condition. The proposed regulation would require immediate cessation of their use and replacement. As such, the proposed restriction on use seems impractical. Alternatively, a prohibition on installation of new cesspools or modification of existing cesspools would be more appropriate and allow these systems to be phased out. See recommendation under (a).
18 AAC 72.015 (a)(2)		<u>(2) a log crib; or</u>	Added	As written, the proposed regulation prohibits the use of existing log crib onsite wastewater systems. There are numerous log crib onsite wastewater systems actively in use throughout Alaska and many are in good, working condition. The proposed regulation would require immediate cessation of their use and replacement. As such, the proposed restriction on use seems impractical. Alternatively, a prohibition on installation of new log cribs or modification of existing log cribs would be more appropriate and allow these systems to be phased out. See recommendation under (a).

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18 AAC 72.015 (a)(3)		<u>(3) any system utilizing wood components in contact with wastewater.</u>	Added	Wood and wood fiber products are preferred support media for some fixed-film bioreactors and trickling filters. We assume the intent is to eliminate the use of wood-stave pipe and outdated onsite treatment systems. Recommend editing to state “any system utilizing wood components in contact with wastewater unless <u>they are part of a treatment system certified by a registered engineer</u> ”.
18 AAC 72.050	18 AAC 72.050	Minimum Treatment.		
18 AAC 72.050(a)	18 AAC 72.050(a)	(a) [SUBJECT TO MEETING THE APPLICABLE REQUIREMENTS OF 18 AAC 83.005 – 18 AAC 83.990 FOR A DISCHARGE TO WATERS OF THE UNITED STATES, A] A person may be authorized to discharge wastewater into or onto water or land, if the discharge	Amended	Recommend changing (a) to refer to domestic wastewater; consistent with (b). (c) appears to refer to domestic as well, whereas (d) covers non-domestic wastewaters.
18 AAC 72.050(a)(1)	18 AAC 72.050(a)(1)	(1) to surface land has received secondary treatment and, if the discharge is a potential health hazard, has been disinfected;	No Change	Per 18 AAC 72.990 Definition (106), “wastewater” includes both domestic and non-domestic wastewater. A non-domestic wastewater could be a potential health hazard without being a biological hazard (i.e. toxic hazards). Thus, the requirement to disinfect all wastewaters that are potential health hazards increases treatment requirements that would have no effect on wastewater quality. Recommend this apply to domestic wastewater only.
18 AAC 72.050(a)(2)	18 AAC 72.050(a)(2)	(2) to subsurface land has received primary treatment and is discharged to a soil absorption system; the department will require additional treatment if the discharge is a potential health hazard;	No Change	
18 AAC 72.050(a)(3)	18 AAC 72.050(a)(3)	(3) to surface waters has received secondary treatment and has been disinfected. [FROM A COMMUNITY DOMESTIC WASTEWATER TREATMENT WORKS TO WATER HAS RECEIVED SECONDARY TREATMENT; AND]	Amended	Per 18 AAC 72.990 Definition (106), “wastewater” includes both domestic and non-domestic wastewater. A non-domestic wastewater could be a potential health hazard without being a biological hazard (i.e. toxic hazards). Thus, the requirement to disinfect all wastewaters that are potential health hazards increases treatment requirements that would have no effect on wastewater quality. Recommend this apply to domestic wastewater only.

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18 AAC 72.050(d)	18 AAC 72.050(d)	(d) <u>The department will require treatment of non-domestic wastewater appropriate for the type of wastewater and the proposed disposal method as necessary to protect public health, public and private water systems, and the environment. In deciding an appropriate level of treatment under this section, the department will consider the type of wastewater, the proposed disposal method, the sensitivity of the receiving environment, and any other permit requirements or plan approval conditions.</u> UNDER 18 AAC 72.060, THE DEPARTMENT WILL WAIVE THE REQUIREMENTS OF (A)(1) OR (A)(4) OF THIS SECTION AND REDUCE THE MINIMUM TREATMENT REQUIREMENTS, IF THE DEPARTMENT DETERMINES THAT THE REDUCED REQUIREMENTS WILL PROTECT PUBLIC HEALTH, PUBLIC AND PRIVATE WATER SYSTEMS, AND THE ENVIRONMENT. A PERSON SEEKING A REDUCED LEVEL OF TREATMENT MUST SUBMIT A REPORT THAT	Amended	18 AAC 72.990(54) does not include potable water treatment discharges in the definition of "non-domestic wastewater". Perhaps under this provision or elsewhere, ADEC could coordinate internally and update 18 AAC 72 and applicable permits issued under 18 AAC 83 to allow water treatment plant (WTP) concentrates to be received and treated at a wastewater treatment plants (WWTP), and by their authority determine such concentrates do not trigger "Significant Industrial User (SIU)" status. When WTP concentrate is discharged to the WWTP it has the effect of returning alkalinity and stabilizing pH, and typically results in more stable biological treatment and often eliminates the need to add imported chemicals (ie soda ash, etc) for pH adjustment.
18 AAC 72.065	18 AAC 72.065	Certified operator requirement. The owner or operator of a [DOMESTIC] wastewater system that has 100 or more service connections or that is used, or intended for use, by 500 or more people per day shall ensure that the system is operated by a person certified under 18 AAC 74.	Amended	There is no state certification program for non-domestic system operators, and the reference to service connections and use by "people" implies domestic wastewater. Recommend returning the word "domestic" to the original statement.
18 AAC 72.070	18 AAC 72.070	Reference Materials		
18 AAC 72.070(a)	18 AAC 72.070(a)	(a) The following materials are adopted by reference:		
18 AAC 72.070(b)	18 AAC 72.070(b)	(b) The department will use the requirements <u>and adopted references</u> of the state plumbing code, as developed under AS 18.60.705, in evaluating wastewater systems and associated components not otherwise addressed in [PLANS SUBMITTED FOR APPROVAL UNDER] this chapter.	Amended	The State Plumbing Code primarily references the UPC which generally does not apply to wastewater treatment/water quality issues. Unclear why it is referenced here.
18 AAC 72.070(c)	18 AAC 72.070(c)	(c) <u>The department will use design manuals and technical publications issued by the United States Environmental Protection Agency and other states to evaluate plans submitted for approval and methods used to establish standard sanitary engineering principles and practices.</u> [REPEALED 5/12/2016.]	Amended	Recommend that ADEC provide and maintain a list available to the public of design manuals and technical publications that are used to evaluate plans submitted for approval.

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18 AAC 72.070(d)		<u>(d) The department will use standard sanitary engineering principles and industry accepted construction standards or a technical review committee under 18 AAC 72.007 to develop guidance manuals to identify department approved methods for the construction, operation, maintenance, and inspection of private water systems and wastewater collection, storage, treatment, and disposal systems. Technical guidance manuals will be publicly identified as approved best management practices to be followed in lieu of engineered plans submitted for prior department approval.</u>	Added	Recommend that ADEC provide and maintain a list available to the public of engineering principles and industry accepted construction standards that are used to evaluate plans submitted for approval and to develop technical guidance manuals. Also, the last sentence applies to systems NOT requiring plan review. Recommend that, for clarity, the last sentence be extracted as a stand-alone citation i.e., 18 AAC 72.070(e).
18 AAC 72.110	18 AAC 72.280	Delegation of <u>authority</u> [DOMESTIC WASTEWATER SYSTEM PLAN REVIEW].	Moved and Amended	As written, it is unclear if delegation of authority is applicable to all wastewater or solely domestic wastewater. Previous version of 18 AAC 72.280 specifically applied to domestic wastewater systems only. There is no mention of wastewater type within the section until 18 AAC 72 (d)(3), in which domestic wastewater is called out. Recommend that ADEC clarify which type of wastewater systems are eligible for delegation.

18 AAC 72 Article 2. [DOMESTIC] Wastewater System Plan Review

Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment
18 AAC 72.200	Application for department approval.			
18 AAC 72.200(b)	18 AAC 72.200(b)	(b) <u>The department will base its approval of wastewater system plans on the provisions of AS 46.03, this chapter, and other requirements to protect public health, public and private water systems, and the environment.</u> [WRITTEN APPROVAL IS NOT REQUIRED FOR AN EMERGENCY REPAIR OR ROUTINE MAINTENANCE. THE OWNER OR OPERATOR SHALL NOTIFY THE DEPARTMENT AS DESCRIBED IN 18 AAC 72.940 IF THE SYSTEM MALFUNCTIONS.]	Existing content moved to 18 AAC 72.201	ADEC could indicate in a definition or other that AS 46.03 is the authority under which ADEC issues approvals/permits.
18 AAC 72.200(c)	18 AAC 72.200(c)	(c) <u>For applications seeking wastewater plan approval for a method of wastewater treatment or disposal that is not addressed in this chapter, the department will evaluate the applications on a case-by-case basis. The department's evaluation will consider the plan review provisions, conditions, recommendations from a technical review committee assembled under 18 AAC 72.007, and other applicable criteria set out in AS 46.03 and this chapter.</u> [THE DEPARTMENT WILL BASE ITS APPROVAL OF SYSTEM PLANS EXCLUSIVELY ON THE PROVISIONS OF AS 46.03 AND THIS CHAPTER.]		Recommend that ADEC clarify process in regulation or guidance documents.
18 AAC 72.201		<u>Exceptions to prior written approval of engineering plans.</u>		
18 AAC 72.201(c)		(c) <u>Replacement in kind. Prior written approval of plans may not be required to replace components or parts of a wastewater collection, storage, treatment or disposal system. The department will evaluate requests for plan review exemption for replacement in kind on a case by case basis.</u>	Added	Recommend that ADEC specify under what circumstances replacement in kind will require prior written plan approval, and provide additional details regarding the case by case approval process. Recommend explicitly excluding "routine maintenance" as defined under 18 AAC 72.990(77).

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Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment
18 AAC 72.201(d)		<u>(d) Service line installation or modification. Prior written approval of plans is not required for a sewer service line installation or modification that does not affect the design capacity or result in the overloading of the collection, treatment, or disposal system. The service line connection may not result in the discharge of wastewater to a system that was not designed to accept the volume or type of waste as approved or permitted by the department. To qualify for this exception, the collection, treatment, and disposal system to which the service line is connected must be owned by a local government organization, or a private or public utility. If the service line is integral to the design and operation of a collection system, this exception does not apply.</u>	Added	Recommend that ADEC clarify what “integral to the design and operation of a collection system” means, as the intent seems to be covered under first sentence. Also clarify how this exemption will be documented.
18 AAC 72.201(e)		<u>(e) Installation of a sewer main in select cases. Prior written approval of plans for installation or modification of a sewer main is not required for an existing regulated utility with a certified operator if the utility has been issued an exception under this subsection.</u>	Added	Recommend clarifying what “regulated utility” means, as it could refer only to utilities that operate under the Regulatory Commission of Alaska. Recommend that the requirement for a “certified operator” be deleted, as per 18 AAC 72.205(a)(9) (B) a certified operator is only required for larger systems. Proposed section 18 AAC72.201(e)(1)(C) seems to cover this.
18 AAC 72.205	18 AAC 72.205	<u>General</u> submittal requirements		
18 AAC 72.205(a)(10)	18 AAC 72.205(a)(7)	(10) for a [DOMESTIC] wastewater system that has 100 or more service connections or the system is used, or intended for use, by 500 or more individuals per day, documentation showing that the operator is or will be certified as required by 18 AAC 74 before operation of the system; [IF A WASTEWATER DISCHARGE IS PROPOSED TO AN EXISTING COLLECTION OR DISPOSAL SYSTEM, DOCUMENTATION SHOWING THAT]	Moved and Amended	This section requires an operator certified under 18 AAC 74 for certain sized systems but does not differentiate between domestic and non-domestic wastewater. There is no certification available under 18 AAC 74 for operators of non-domestic wastewater treatment systems. Recommend that the term “domestic” be included in this language.
18 AAC 72.220	18 AAC 72.220	Plan Review.		
18 AAC 72.220(e)	18 AAC 72.220(e)	<u>(e) The department will, in its discretion, provide advisory notes to the applicant as technical assistance for items beyond the requirements of this chapter. [THE APPLICANT SHALL PAY THE FEE FOR THE PLAN REVIEW AS LISTED IN 18 AAC 72.955 UPON SUBMITTAL OF THE PLAN.]</u>	Amended	Recommend that ADEC clarify the source of technical assistance, i.e., other State regulations or technical guidance, or remove 18 AAC 72.220(e) from proposed regulations. Unclear why this statement is included as it refers to “advisory notes”.

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18 AAC 72.220(f)		<u>(f) If the department requests additional information to satisfy the submittal requirements or to adequately evaluate whether a system design is in conformance with this chapter, the applicant has 45 days to fulfill the request. If the additional information is not provided within 45 days of the request, the department will issue a notice, the application will be closed as incomplete, and a new application, including the appropriate plan review fee, must be submitted for department review.</u>	Added	ADEC is stipulating a set time period in regulation for applicant submittals but has removed agency plan review time commitments (18 AAC 72.225(a)). Restarting the process after 45 days seems extreme. Perhaps the applicant should be allowed to RESPOND within 45 days and request an extension. For example, additional soil sample testing, analysis, and reporting could easily require more than 45 days to complete.
18 AAC 72.225	18 AAC 72.225	Approval to construct		
18 AAC 72.225(a)	18 AAC 72.225(a)	(a) The department will issue its approval or denial to construct a wastewater system [THE PROJECT WITHIN 30 DAYS] after the department receives and reviews all plans and [OF THE] information required by this chapter.	Amended	As stated under 18 AAC 72.220(f), it appears that ADEC has removed any requirement to conduct a plan review in a timely manner. The burden of a timely response lies solely on the applicant. Extending the current 30 day window, rather than eliminating the commitment, would be more equitable.
18 AAC 72.240	18 AAC 72.240	Construction certification and approval to operate.		
18 AAC 72.240(b)(2)(A)	18 AAC 72.240(e)(2)(A)	(A) the department grants an extension the 90-day interim period; [THE SYSTEM, OR A DESIGNATED PHASE OF THAT SYSTEM, HAS RECEIVED FINAL APPROVAL TO OPERATE FROM THE DEPARTMENT UNDER THIS SECTION] or	Amended	Recommend that the department automatically grant an extension if the delay is on the part of the department. See comment under 18 AAC 72.240(b)(3).
18 AAC 72.240(b)(3)	18 AAC 72.240(e)(3)	(3) the department will issue final approval to operate [WITHIN 30 DAYS] after receipt and review of the information required by (c) of this section [18 AAC 72.235] if the information confirms that	Amended	Recommend that ADEC clarify that if owner/engineer submits information required in 18 AAC 72.240(c) of this section within 60 days, but ADEC does not issue FATO within 30 days, the system will not be out of compliance.
18 AAC 72.245(d)		<u>(d) If no discharge permit is required, the department may require periodic testing and reports that demonstrate the system meets expected performance criteria.</u>		Recommend section read "If no discharge permit is required under 18 AAC 72.010(b), the department..."
18 AAC 72.270	18 AAC 72.270	Collection and Pumping Systems		
18 AAC 72.270(b)	180AAC 72.040(b)(4)	<u>(b) A collection and pumping system design must include the following criteria: [INSTALL A SEWER LINE UNLESS IT]</u>	Moved and amended	The design criteria specified in 18 AAC 72.270(b) are those that apply to domestic wastewater systems. The nature and quantity of non-domestic wastewaters vary greatly depending on the type of contaminants present and the collection and treatment processes necessary to appropriately manage those wastewaters. Recommend this section apply to domestic wastewater systems only.
18 AAC 72.270(b)(1)	180AAC 72.040(b)(4)(a)	<u>(1) the [HAS A] mean conduit velocity, when flowing full, [OF] is not less than two feet per second for the collection system design;</u>	Moved and amended	This design criteria should only apply to domestic wastewater systems.

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18 AAC 72.270(b)(2)	180AAC 72.040(b)(4)(B) and 180 AAC 72.040(b)(4)(C)	(2) <u>pipe sizes adequate</u> [IS DESIGNED] for the maximum expected flow[;] and [IS] designed so that the diameter of any receiving sewer line is equal to or greater than the diameter of the largest sewer line connecting to it;	Moved and amended	This design criteria should only apply to domestic wastewater systems.
18 AAC 72.270(b)(3)		<u>(3) the alignment of a gravity sewer line between manholes shall be straight and at a uniform slope; a manhole must be installed at changes in pipe slope, size, alignment, and at intersections;</u>	Added; Consistent with current standards	This design criteria should only apply to domestic wastewater systems.
18 AAC 72.270(b)(7)		<u>(7) the system does not collect stormwater or silty water from construction dewatering efforts, gutter runoff, or street runoff;</u>	Added	This criteria, as written, prohibits the design of storm water management and collection systems. This design criteria should only apply to domestic wastewater systems.
18 AAC 72.270(b)(9)		<u>(9) the system does not collect oil, petroleum products, industrial solvents, or other substances detrimental to the receiving wastewater treatment works; and</u>	Added	Many non-domestic wastewater treatment systems operate exclusively for the collection, management, and treatment of wastewater streams containing oil, petroleum products, and industrial solvents. As written, the proposed regulation would prohibit the design and construction of many industrial processes at fuel storage terminals, upstream oil and gas operations, and refineries. At a minimum, this requirement should be limited to domestic wastewater systems only. However some large domestic wastewater systems may be equipped with appropriate treatment technologies to manage oils or petroleum products as well, which would typically be regulated under an industrial pretreatment program authorized by an MS4 permit. Recommend that this section be removed or reworded.

18 AAC 72 Article 5. Conventional Wastewater Systems [NONDOMESTIC WASTEWATER]

Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment
18 AAC 72.511		<u>Conventional wastewater systems not requiring plan approval.</u>	Added new section	
18 AAC 72.511(a)	18 AAC 72.015(c); 18 AAC 72.035(d)(2)	(a) A conventional onsite system serving only a single private residence, multi-family dwelling, or small commercial facility operated independently on a single lot with a total on lot design flow of not more than 1500 gpd can be installed without prior department approval if the system is installed by a person certified under 18 AAC 72.405. [A PERSON CERTIFIED UNDER 18 AAC 72.400 - 18 AAC 72.440 MAY INSTALL OR MODIFY A CONVENTIONAL ONSITE SYSTEM THAT SERVES A PRIVATE RESIDENCE OR SMALL COMMERCIAL FACILITY.];[THE INSTALLATION OF THE SYSTEM IS COMPLETED BY A PERSON DESCRIBED IN 18 AAC 72.015(b), (c), OR (d);]	Moved and Amended	The definition of "small commercial facility" found in 18 AAC 72.990(93) limits the expected peak design flow to 500 gpd, which conflicts with the proposed total on-lot design flow of 1,500 gpd. Recommend that ADEC clarify if small commercial systems will be limited to 500 gpd under this regulation. If not, recommend changing the definition of "small commercial facility" for consistency, or remove the word "small" and let design flow govern.
18 AAC 72.530		<u>Construction requirements for conventional wastewater systems.</u>	Added	
18 AAC 72.530(b)(2)	OWSIM Article D20 1.2 - 1.5	(2) typical daily flow rates for each unit of a specific type of facility publicly identified by the department as acceptable.	Added	Recommend that ADEC "publicly identify" acceptable criteria before regulations are implemented.
18 AAC 72.530(f)(1)	OWSM D20 Article 2.2 and 2.3	(1) include distribution medium meeting specifications publicly identified by the department as acceptable or alternate specifications presented to and approved by the department; the distribution medium must provide adequate void space and be	Added	Recommend that ADEC "publicly identify" acceptable criteria before regulations are implemented. We assume the "publicly identified" specification will apply to systems "authorized by rule". Recommend clarification of the process to request approval of alternate specifications, and clarify this request will not trigger plan review.
18 AAC 72.550	18 AAC 72.435	[INSTALLATION] Notification and documentation [INSPECTION] requirements for systems not requiring plan approval.	Moved and Amended	
18 AAC 72.550(a)	18 AAC 72.435(a) and 18 AAC 72.435(b)	(a) [EXCEPT AS PROVIDED IN (C) OF THIS SECTION A CERTIFIED INSTALLER OR APPROVED HOMEOWNER] A person who plans to install a system under 18 AAC 72.511 shall notify the department [OFFICE IDENTIFIED IN (e) OF THIS SECTION] at least one day [24 HOURS] prior to [BEFORE] beginning construction or modification of the [A CONVENTIONAL ONSITE] system. The notification must include	Moved and Amended	Recommend clarification of notification process, i.e. designated email address, online form, or phone hotline.

18 AAC 72 Article 6. Alternative Wastewater Systems [NONDOMESTIC WASTEWATER PLAN REVIEW]

Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment
18 AAC 72.611		<u>Alternative wastewater systems not requiring plan approval.</u>	Section added	
18 AAC 72.611(a)(1)		<u>(1) serves a private residence, multi-family dwelling, small commercial facility, or combination thereof, with a total on lot design flow of 1500 gallons per day or less; or</u>	Added	The definition of "small commercial facility" found in 18 AAC 72.990(93) limits the expected peak design flow to 500 gpd, which conflicts with the proposed total on-lot design flow of 1,500 gpd. Recommend that ADEC clarify if small commercial systems will be limited to 500 gpd under this regulation. If not, recommend changing the definition of "small commercial facility" for consistency, or remove the word "small" and let design flow govern.
18 AAC 72.611(a)(2)		<u>(2) consists of holding tanks only and serves a temporary or mobile camp associated with mining or oil and gas development; and</u>	Added	Recommend ADEC clarify if "Envirovacs" and similar restroom modules/facilities fall into this category, and define the terms "temporary" and "mobile". We also recommend that ADEC consider including "permanent" installation holding tanks associated with mining or oil and gas development in this category.
18 AAC 72.611(a)(6)		<u>(6) the registered engineer, or a person under their responsible charge, supervises construction as necessary to ensure system was constructed in compliance with the design and to prepare the record documents as required by 18 AAC 72.650(c).</u>	Added	Recommend that ADEC recognize that an engineer could be comfortable with documentation provided by on-site personnel through photos, videos, Zoom meetings, redlined documents, etc. without the engineer, or a person under their responsible charge, being physically present on site. Covid has taught us how to do many things remotely, and the engineer should be able to determine the necessary level of observation.
18 AAC 72.615		<u>Alternative wastewater systems requiring plan approval.</u>	Section added	
18 AAC 72.615(b)(1)	18 AAC 72.063(2)(B)	<u>(1) documentation the unit is certified by NSF International Standards/American National Standard NSF/ANSI 40 or equivalent third party accreditation organization; or [MEETS OR EXCEEDS THE CERTIFICATION CRITERIA FOR PACKAGE PLANTS SET OUT IN NSF INTERNATIONAL STANDARDS/AMERICAN NATIONAL STANDARD NSF/ANSI 40-2013, ADOPTED BY REFERENCE IN 18 AAC 72.070(A)(3); AND]</u>	Moved and amended	NSF 40 is specific to residential wastewater treatment systems. Recommend that ADEC clarify if such standards/equivalents are also acceptable for non-residential facilities. If not, clarify what standards would be acceptable for non-residential facilities.
18 AAC 72.615(b)(2)	18 AAC 72.063(2)(A)	<u>(2) a monitoring and sampling plan to demonstrate the treatment unit can successfully treat wastewater for at least one year after installation [UNDER EXPECTED CONDITIONS; OR;]</u>	Moved and amended	Request that ADEC provide the minimum requirements of such a plan if available at this time.

AOGA Detailed Comments
 18 AAC 72 Wastewater Treatment and Disposal

Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment
18 AAC 72.615(d)	18 AAC 72.025(b)	<u>(d) For systems proposing the use of a holding tank, other than marine sanitation devices or tanks wholly contained within a mobile food unit or occupied building, plans must include [THIS SECTION DOES NOT APPLY TO (1) MARINE SANITATION DEVICES; OR (2) HOLDING TANKS CONTAINED IN A MOBILE FOOD UNIT PERMITTED UNDER 18 AAC 31.]</u>	Moved and amended	Recommend clarifying that this provision does not apply to systems covered under 18 AAC 72.611(a)(2).
18 AAC 72.615(f)(2)		<u>(2) a signed statement from the owner or operator of the system on a form provided by the department confirming they have received a copy of an operations and maintenance manual developed in accordance with manufacturer recommendations and the system will be operated and maintained in accordance with the manual.</u>	Added	Recommend that these forms be available on the ADEC website before new regulations are adopted.

18 AAC 72 Article 7. General Provisions

Proposed Citation	Existing Citation	Proposed Revision	Change	AOGA Comment
18 AAC 72.990	18 AAC 72.990	Definitions and abbreviations . Unless the context indicates otherwise, in this chapter	Amended	
18 AAC 72.990(15)		<u>(15) "construction observation" or "observing construction" means visual observation of or visually observing the quality of construction, and the equipment and materials used for construction such that the observing engineer, or a person under their responsible charge, has the information necessary to provide a professional opinion regarding the system's conformance to approved construction documents, AS 46.03, and this chapter;</u>	Added	See 18 AAC 72.990(16)
18 AAC 72.990(16)		<u>(16) "construction supervision" or "supervising construction" means providing oversight and direction during construction such that the supervising engineer, or a person under their responsible charge, can validate the system was constructed in accordance with the requirements of this chapter, conforms to department published best management practices, and has the information necessary to prepare accurate record documents;</u>	Added	Recommend that ADEC recognize that an engineer could be comfortable with documentation provided by on-site personnel through photos, videos, Zoom meetings, redlined documents, etc. without the engineer, or a person under their responsible charge, being physically present on site. Covid has taught us how to do many things remotely, and the engineer should be able to determine the necessary level of observation.
18 AAC 72.990(32)	18 AAC 72.990(24)	(32) "domestic wastewater disposal system" means a device, structure, or formation used to dilute, dispose, or discharge domestic wastewater; "domestic wastewater disposal system" includes injection wells, soil absorption systems, pits, crevices, sinkholes, depressions, outfalls, percolating stabilization ponds, land irrigation systems, sewers, and treatment works;		Request clarification that ADEC does not intend to apply plan review requirements of 18 AAC 72 to systems discharging to Class I injection wells operated under EPA approval and UIC Class I General Permit 2021DB0002.
18 AAC 72.990(54)	18 AAC 72.990(41)	(54) "nondomestic wastewater" means liquid or water-carried wastes other than domestic wastewater; "nondomestic wastewater" includes wastes resulting from		This definition does not appear to include potable water treatment discharges (such as backwash, concentrate, cleaning wastes, CIP wastes). Recommend adding potable water discharges as a separate category (i.e. 18 AAC 72.990(54)(F)).
18 AAC 72.990(54)(A)	18 AAC 72.990(41)(A)	(A) a manufacturing, food processing, or production enterprise;		
18 AAC 72.990(54)(B)	18 AAC 72.990(41)(B)	(B) an industrial establishment;		
18 AAC 72.990(54)(C)	18 AAC 72.990(41)(C)	(C) the development of natural resources;		
18 AAC 72.990(54)(D)	18 AAC 72.990(41)(D)	(D) the construction of a manufacturing, production, or industrial facility; and		
18 AAC 72.990(54)(E)	18 AAC 72.990(41)(E)	(E) stormwater runoff;		