

# Garness Engineering Group, Ltd

See attached comments

The proposed version of 18-AAC-72 is not well laid-out and is not properly titled. The following suggestions should be considered:

1. Regulation of “private water systems” should not be encompassed within the “Wastewater Treatment & Disposal” regulations. If ADEC intends to continue down this path then the title for 18-AAC-72, “Wastewater Treatment & Disposal” needs to be revised to include a reference to “Private Water Systems”. It is not obvious to anyone searching for regulations regarding “private water systems” that they should be looking to a regulation titled “Wastewater Treatment & Disposal”.
2. There should be a separate Article within 18-AAC-72 titled “Private Water Systems”. All regulations regarding “Private Water Systems” should be addressed in this Article
3. Sections within the proposed version of 18-AAC-72 appear to be at least partially written around the “Certified Installer” programs. It would be better to refer the reader to Article 4, “Certified Installer Program” for the various Plan Review exemptions and the system installation restrictions that certified installers are subject too. The goal would be to keep everything associated with Certified Installers under one Article. This will shorten the other Articles and simplify the regulation.
4. There should be a separate Article titled “Separation Distances”. All separation distances (vertical and horizontal) should be in one centralized location and Tables should be used to the greatest extent possible. The reader should not have to search throughout 18-AAC-72 to find the various locations where separation distances (both vertical and horizontal) are addressed. This will shorten the other Articles and simplify the overall document.
5. The definition of a “conventional soil absorption system” (72.990 (18)(F)) appears to exclude mound-type drainfields. Per 72.511(a), it appears that certified installers are restricted to “conventional onsite systems”. It is unclear why ADEC is prohibiting certified installers from design-building mound-type drainfields for single-family homes and multi-family structures that fall within the AELS exemptions in Statute 08.48.331.
6. Soil application rates for drainfields receiving effluent treated to secondary standards (perhaps short of disinfection) need to be codified. In every case an application rate is ultimately determined, and in some cases it is an arbitrary decision made by an ADEC staff member. The application rates may need to be modified/reduced for larger drainfields, but it is something that can and should be codified. In short, soil application rates should no longer be arbitrarily determined by ADEC staff during the plan review process.
7. The proposed regulations grant engineers and “certified installers” the latitude to install septic systems (in some cases up to 2500 gpd) without undergoing ADEC plan review. As a result, many systems will be installed without any assessment as to whether the system is “functionally equivalent” to a surface discharge. How does ADEC intend to reconcile this with the Maui SCOTUS decision of 2020? Defining which septic systems are going to be treated as “functional equivalents” must be addressed in 18-AAC-72. Furthermore, 18-AAC-72 should prohibit the installation of any septic system that is a “functional equivalent” without ADEC plan review.

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