

**Letter of Agreement**  
**Between**  
**Alaska Department of Environmental Conservation**  
**and**  
**Municipality of Anchorage**  
**Concerning**  
**Jurisdiction of On-site Water and Wastewater Systems**

**Section 1. Scope**

In accordance with 18 AAC 72.280, Delegation of Domestic Wastewater System Plan Review, the Alaska Department of Environmental Conservation (ADEC) defers jurisdiction of on-property water and wastewater facilities serving detached single family homes and duplexes located within the Municipality of Anchorage (MOA) to the MOA in accordance with this agreement. This MOA adopts by reference the terms and conditions of 18 AAC 72.280(d).

**Section 2. Intent**

- 2.1. The MOA intends to maintain the public health and environmental quality through the regulation of on-property water and wastewater systems, and to satisfy the requirements set forth by ADEC and Environmental Protection Agency (EPA).
- 2.2. ADEC and the MOA share a common goal to eliminate duplication and unnecessary costs, and serve the public in an efficient manner. This letter of agreement represents an important step towards that goal.

**Section 3. Definitions and Acronyms**

The list of definitions and acronyms includes items that are either used in or are related to the action taken in this letter of agreement.

ADEC – Alaska Department of Environmental Conservation

ADU – Accessory dwelling unit: a subordinate dwelling unit added to, created within, or detached from a single-family dwelling, that provides basic requirements for living, sleeping, cooking and sanitation in accordance with Anchorage Municipal Code Title 21.

Bed and breakfast (B&B): a single-family dwelling or duplex, having 5 or fewer rooms for rent, which is host/owner-operator-of-the-enterprise-occupied and offers overnight accommodations for which compensation is paid on a daily or weekly basis for no more than 30 consecutive days, and which offers only one daily meal.

Duplex – a structure having two dwelling units.

Dwelling unit – a structure or portion thereof providing independent and complete cooking, living, sleeping and toilet facilities for one family.

EPA – Environmental Protection Agency

MOA – Municipality of Anchorage

On-Site – MOA On-Site Water & Wastewater Program

Single-family dwelling, single family residence or single family home – a detached building constructed on a permanent foundation, designed for long-term human habitation exclusively by one family, having complete living facilities and constituting one dwelling unit.

SOA – State of Alaska

Water System, Private – Water system serving one single-family dwelling or duplex.

Water System, Public – See 18 AAC 80.1990

## **Section 4. Responsibilities**

### **4.1. ADEC**

- 4.1.1. ADEC is mandated by EPA to regulate construction, operation and maintenance of on-property wastewater systems within the SOA.
- 4.1.2. When a local governmental agency successfully demonstrates ability to provide on-property water and wastewater construction, maintenance and operational oversight in accordance with SOA statutes and regulations, it is ADEC policy to defer jurisdictional responsibilities to that local governmental agency.

### **4.2. MOA**

- 4.2.1. The MOA is currently authorized by ADEC to regulate single family residential on-lot wastewater disposal systems (reference ADEC letter “Delegation of Plan Review and Approval Authority for on-lot wastewater disposal systems”, July 10, 1985).
- 4.2.2. The MOA shall be responsible for regulation of on-property water and wastewater facility construction, maintenance and operations as set forth in this letter of agreement. When implemented, this letter of agreement shall supersede the 1985 agreement.
- 4.2.3. Water and wastewater systems under the MOA’s jurisdiction shall be regulated in accordance with ADEC and EPA requirements. The MOA shall allow ADEC access to its records as needed to verify compliance with ADEC and EPA requirements.

## **Section 5. Jurisdictional Deferment**

- 5.1. Deferment: The MOA shall regulate on-property wastewater disposal and private water systems serving single family dwellings, including dwellings having ADUs and/or functioning as licensed B&Bs, and duplexes. ADEC will regulate on-site wastewater and water systems serving more than two dwelling units and systems serving commercial, institutional and industrial facilities.

5.2. Effective: To allow time for public notification, the official date of implementation shall be 30 days after the date this agreement is signed by representatives of ADEC and MOA.

**Section 6. Amending the letter of agreement**

The authority granted to the MOA by ADEC in this agreement may be reduced or expanded for reasons of a technical nature. Jurisdictional changes implemented due to technical considerations shall be in the form of an addendum to this letter of agreement, and shall be agreed upon by the signing of both parties. The signed addendum shall be implemented after a 30 day public notification period has elapsed.

**Section 7. Implementation**

ADEC and the MOA agree to the stipulations and responsibilities set forth in this letter of agreement.

ADEC Representative: Michelle Bonnet, Director  
Sharon Morgan, Program Manager  
Printed name/title

Michelle Bonnet  
Signature

7-31-2012  
Date

MOA Representative: George J. Vakalis, Municipal Manager  
Printed name/title

[Signature]  
Signature

7/20/12  
Date