

Q1: *What guidance does the Dept. use to determine the sufficiency or reasonableness of the information submitted in the application? Is this a statistical sufficiency, and is this defined somewhere? Is there a minimum amount of data required? Is it waterbody specific? Does it have to be recent data (less than 5 years old)?*

A1: The data requirements for consideration of a water quality standards variance are specified in the federal code of regulations (CFR) at 40 CFR 131.14(b). Additional guidance pertaining to the development of water quality standards variances, including a checklist of submission documentation, can be accessed at <https://www.epa.gov/wqs-tech/water-quality-standards-variances>. All water quality standards variances require U.S. Environmental Protection Agency approval prior to use in state water pollution control programs (e.g., water quality monitoring; wastewater permitting) per 40 CFR 131.20.

DEC defines “available evidence”, the term that is used in submission of data for other DEC water quality assessment purposes, at **18 AAC 70.990(5)**.

“available evidence” means all relevant and applicable data and information the applicant has or can obtain, and all relevant and applicable data and information available to the department from other sources; "available evidence" does not include data and information that the collection or preparation of which, in the department's determination, is not practicable.

DEC may develop state-specific guidance pertaining to the development and submission of a water quality standards variance following adoption of the proposed regulation.

Q2: *Is it waterbody specific?*

A2: A water quality standards variance is specific to a wastewater discharge permittee(s), a waterbody, or a specific waterbody segment.

Q3: *99.8% of Alaska's waters do not have any data according to the Triennial Review, and even water bodies such as Hawk Inlet that have 30 years of data are still considered a Category 3 water (insufficient data to determine use protections), how will the Dept. respond if no "available evidence" exists or the water is a category 3, data insufficient? In these cases, if the Dept. does not require additional, sufficient data wouldn't a re-classification be backsliding if a use was removed?*

A3: The federal requirements for approval of a re-designated water are outlined in the code of federal regulations at 40 CFR 131.10 (Designation of Uses). The regulation includes language pertaining to the conditions in which an existing designated use can be removed or revised. EPA approval is required before a removed or revised water quality standard can be used in state water pollution control programs.

DEC Response to Questions Raised During Water Quality Standards Variance Rulemaking
Public Notification Period
08-20-19

DEC does currently have guidance available pertaining to the assessment of water quality known as *Alaska Consolidated Assessment and Listing Methodology (CALM) for 2020 Integrated Report on Water Quality*. This guidance addresses DEC's data qualification process and categorical assignment. The guidance can be accessed at <http://dec.alaska.gov/water/water-quality/integrated-report/>.