



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Environmental
Conservation

DIVISION OF WATER
Juneau
PO Box 111800
Juneau, AK 99811
Main: 907.465.5180
Fax: 907.465.5177
www.dec.alaska.gov

August 13, 2024

Karen Burgess
Director-Acting
Water Division
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101

RE: Alaska's 2024-2026 Triennial Review

Dear Ms. Burgess,

In accordance with Clean Water Act section 303(c)(1), the Alaska Department of Environmental Conservation (DEC) has completed its 2024-2026 triennial review (TR) planning process.

Public notification of the TR commenced on January 29 and ended May 6, 2024. DEC distributed public notice of the TR via State of Alaska Public Notice webpage and DEC-Water Quality Standards Listserv. DEC held a statewide public hearing on the TR on March 20, 2024. DEC responded to questions raised by the general public about the TR process on the DEC Water Quality Standards webpage: <http://dec.alaska.gov/water/water-quality/triennial-review>. Public comments are available on the DEC archived public notice webpage at <https://dec.alaska.gov/commish/public-notices/archive/>.

2024-2026 Triennial Review Priorities. DEC identified the following priorities based on the results of the public comment process, DEC stakeholder engagement, DEC/EPA discussions, and available state resources:

1. Human health criteria for carcinogenic and non-carcinogenic pollutants;
2. Development of a Performance-based Approach to adoption of EPA (2007) copper criteria for the protection aquatic life (freshwater) and exploration of potential to develop a similar approach to other metals (e.g., aluminum, zinc);
3. Development of water quality standards policies and practices pertaining to natural conditions (multiple pollutants);
4. Non-substantive amendments to 18 AAC 70 pertaining to the reporting of pathogens results, conversion of Latitude and Longitude references to decimal degrees, inclusion of HUC units and/or hydraulic reach;
5. Completion of existing and proposed reclassification and site-specific criteria requests; and
6. Water Quality Intake Credits.

Please note that DEC is expending significant resources to address such issues as the illegal discharge of pollutants in the marine environment, permittee compliance with all APDES/NPDES requirements, and development of Alaska's natural resources in accordance with state and federal law. Such efforts demonstrate Alaska's commitment to implementation of water quality standards in a manner that is protective of human health and the environment.

DEC is providing a summary of the following 304(a) aquatic life criteria as required by 40 CFR § 131.20(a):

- Acrolein criteria for aquatic life (2009): Acrolein criteria was promulgated for Alaska as part of the 1992 National Toxics Rule. This is a pollutant (biocide) primarily used for irrigation ditch weed control and algal management. Alaska is working to address issues associated with human health criteria for Acrolein during this triennial review cycle but DEC has no reason to consider Acrolein to be a pollutant of concern to aquatic life in Alaska.
- Aluminum: DEC is reviewing the EPA (2018) recommendations and available water quality data needed develop regional default values for the model inputs. Due to the data collection challenges associated with developing a statewide criterion in a state as geographically diverse as Alaska rulemaking would be particularly challenging. Such an effort would potentially result in default criteria that would not be representative of the range of geochemical conditions in Alaska's waters nor be defensively protective of aquatic life. DEC is also reviewing other state adoption efforts to date including development of a laboratory method to quantify the bioavailable fraction of aluminum that is relevant to the protection of aquatic life.
- Ammonia: DEC is reviewing this issue and potential implementation issues associated with such an action. DEC is also reviewing how efforts by other states and implementation issues associated with such actions. DEC does not have reason to consider DEC's current criteria for ammonia to fail to protect aquatic life in Alaska.
- Cadmium (acute) criteria for aquatic life (2016) Cadmium is a priority pollutant that is naturally present in Alaska's waters. DEC does not have reason to consider DEC's current criteria for cadmium to fail to protect aquatic life in Alaska.
- Carbaryl criteria for aquatic life (2012): Carbaryl is a non-priority pollutant (pesticide) used for pest control and fruit thinning. DEC does not have reason to consider carbaryl to be a pollutant of concern to aquatic life in Alaska.
- Copper criteria for aquatic life (2007): Aquatic life criteria for copper were last adopted by Alaska following the EPA 1995 Updates: Water Quality Criteria Documents for the Protection of Aquatic Life in Ambient Water (EPA-820-B-96-001, September 1996). DEC is aware of the biotic ligand model and is currently working to apply the model on a site-specific basis as referenced in the EPA 2007 document. However, due to the data collection challenges associated with developing a statewide criterion in a state as geographically diverse as Alaska rulemaking would be particularly challenging. Such an effort would potentially result in default criteria that would not be representative of the range of geochemical conditions in Alaska's waters nor be defensively protective of aquatic life.

- Nutrient criteria in Lakes and Reservoirs for aquatic life (2012): Alaska addresses nutrients through narrative criteria at 18 AAC 70.020(11) and (23) Toxic and Other Deleterious Organic and Inorganic Substances. Alaska is not currently considered part of the National Nutrient Strategy. DEC does not consider nutrients to be an imminent and widespread threat in Alaska at this time. DEC will remain engaged with other state programs (e.g., Drinking Water) and re-evaluate this decision as warranted.
- Selenium: The EPA (2016) Aquatic Life Ambient Water Quality Criterion for Selenium – Freshwater is not representative of the necessary level of aquatic life protection in Alaska. DEC has expressed concern that several of the finfish species used to develop the EPA 2016 recommended criteria are not native to Alaska’s freshwater systems (e.g., white sturgeon) and would not be representative of the range of conditions in Alaska’s waters nor be defensively protective of aquatic life. DEC continues to monitor the efforts of other states to determine a potential course(s) of action that addresses Alaska’s unique environment.

Sincerely,

DocuSigned by:
Gene McCabe
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Gene McCabe
Director

Attachment: Triennial Review 2024-2026 Responsiveness Summary