

**Department of Environmental Conservation  
Triennial Review 2024-2026 Responsiveness Summary  
August 2024**

**1. Summary**

Under Clean Water Act (CWA) section 304(a) states are required to periodically review water quality criteria to ensure they accurately reflect the latest scientific knowledge. This process is known as the “triennial review” (TR). To promote transparent and accountable governance, the Department of Environmental Conservation (DEC) provides an opportunity for the general public to comment on state water quality standards.

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DEC Triennial Review  
Website:  
<http://www.dec.state.ak.us/water/wqsar/trireview/index.htm>

**2. Background**

Public notification of the 2024-2026 commenced on January 29, 2024 and ended May 6, 2024. DEC distributed notice via State of Alaska Public Notice webpage and DEC-Water Quality Standards Listserv. DEC provided the public with a list of potential TR topics and prioritization based on best professional judgement and input during previous TR cycles. DEC also provided a factsheet pertaining to the TR process and DEC’s federal reporting responsibilities. DEC held a statewide public hearing on March 20, 2024. DEC responded to questions raised by the general public about the triennial review 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/>.

**Table 1: Water Quality Commenter Information**

<b>Comment Originator</b>	<b>Sets of comments submitted</b>
<b>Environmental Non-Governmental Organizations</b> Cook Inlet Keeper, Southeast Alaska Conservation Council (SEACC); Alaska Community Action on Toxics (ACAT)/Citizens for Clean Air (CCA)	3
<b>Government Agencies</b> U.S. Environmental Protection Agency	1
<b>Industry</b> Northern Southeast Regional Aquaculture Association; Southern Southeast Regional Aquaculture Association	2
<b>Private Citizens</b> Jeff Benowitz, Alaina Plauche	2
<b>Tribal Organizations</b> Chickaloon Village Traditional Council	1

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**3. DEC Summary of Findings and Response to Comments**

Nine sets of comments were received during the 2024-2026 public comment period. Table 2 summarizes public comments received by DEC during the public comment period.

Topic	Comment Summary
Aluminum	Comments requesting the adoption of Aluminum in accordance with EPA’s Clean Water Act section 304(a) criteria recommendations to ensure that WQS include up-to-date water quality criteria that are protective of Alaska’s designated uses.
Ammonia	Comments requesting the adoption of Ammonia in accordance with EPA’s Clean Water Act section 304(a) criteria recommendations to ensure that WQS include up-to-date water quality criteria that are protective of Alaska’s designated uses.
Antidegradation-Tier 3 Water	Comment requesting rulemaking to provide for a science-based administrative Tier 3 nomination and designation process.
Bacteria	Comment stating that EPA has published recreational criteria recommendations and swimming advisories for microcystins and cylindrospermopsin- DEC should prioritize the adoption of these criteria in accordance with EPA’s Clean Water Act section 304(a) criteria recommendations to ensure that WQS include up-to-date water quality criteria that are protective of Alaska’s designated uses.
Benthic Sediment Criteria	Comment requesting placement of the development numeric sediment guidelines in the information gathering category.
Biotic Ligand Model (BLM) for Derivation of Copper Criteria	Comments from multiple parties supported prioritizing development of guidance and use of the biotic ligand model in the derivation of copper criteria (freshwater) for the protection of aquatic life on a site-specific as well as a statewide basis.
Cadmium Criteria	Comment requesting prioritization of the adoption of Aluminum in accordance with EPA’s Clean Water Act section 304(a) criteria recommendations to ensure that WQS include up-to-date water quality criteria that are protective of Alaska’s designated uses.
Groundwater Standards	Comment demonstrating support for continued work on groundwater water quality standards/criteria with special reference to temperature.

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<p>Human Health Criteria (HHC)</p>	<ul style="list-style-type: none"> <li>• DEC received multiple comments supporting DEC efforts to revise human health criteria for various toxic pollutants for the protection of human health identified in <i>Alaska Water Quality Criteria Manual for Toxic and Other Deleterious Organic and Inorganic Substances</i> (2008).</li> <li>• Several commenters are supportive of continued efforts to update the applicable fish consumption rate used to calculate human health criteria.</li> <li>• One commentator recommended consideration of a mechanism to account for the consumption of beluga whales.</li> <li>• The EPA encourages the DEC to use local data, including the 2019 EPA-contracted report, <i>Alaska Statewide and Regional Estimates of Consumption Rates in Rural Communities for Salmon, Halibut, Herring, Non-Marine fish, and Marine Invertebrates</i>, as a resource for developing a fish consumption rate for the state.</li> </ul>
<p>Intake Credits</p>	<p>Comments expressing concern about the speed and timing of this project and potential to place a burden on DEC resources during the development and issuance of intake credits.</p>
<p>Natural Conditions</p>	<ul style="list-style-type: none"> <li>• DEC received mixed comments on the prioritization of this issue. Some parties felt DEC should expend resources on better incorporating natural conditions into DEC Antidegradation policy and WQS/Permitting implementation procedures.</li> <li>• A comment was received regarding the regulation of pH and pH levels in the state’s natural water bodies that do not meet the lower threshold of 6.5, especially lakes in SE Alaska</li> </ul>
<p>Petroleum Hydrocarbons</p>	<p>Comments requesting this issue to be classified under the information gathering category and actively review more recent published toxicology information with specific attention to petroleum in sediment.</p>
<p>PFAS</p>	<p>Comments regarding the need for DEC to take action on PFAS. Comments include:</p> <ul style="list-style-type: none"> <li>○ classify PFAS as a high priority.</li> <li>○ adopt the EPA national recommended 304(a) criteria for PFOA and PFOS for the protection of aquatic life once finalized.</li> <li>○ Establish fish consumption guidelines for PFAS.</li> </ul>

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Pharmaceuticals and Personal Care Products	Comment requesting DEC expend resources on this issue and consider taking future action(s) as information becomes available.
Residues	Comment requesting re-adoption of language pertaining to Aquaculture and the Growth and Propagation of Aquatic life present in the 2006-2020 water quality standards as well as amend the protected use of Aquaculture to mirror EPA CAAP guidelines
Selenium	Comments requesting adoption of the EPA 2016 recommended criterion for selenium (freshwater) as it reflects the most recent science pertaining to bioaccumulation when aquatic life exposure to this pollutant occurs.
Temperature	Comment regarding the need to continue to prioritize temperature criteria and how it is addressed in surface and groundwater.
Toxics Manual Update – Aquatic life criteria	<p>Comments recommending review of EPA current 304(a) recommendations to ensure that water quality standards include up-to-date water quality criteria that are protective of designated uses. Pollutants that have not already been identified in this document by commenters includes:</p> <ul style="list-style-type: none"> <li>○ Freshwater aquatic life criteria for acrolein, published in 2009</li> <li>○ Freshwater aquatic life criteria for carbaryl, published in 2012</li> <li>○ Nutrient criteria in Lakes and Reservoirs, published in 2021</li> <li>○ Prioritization of investigation and establishment of aquatic life criteria for biocides and pesticides/herbicides, including, 2,4-D, dicamba, glyphosate, glufosinate, and fluoridone.</li> <li>○ Microplastic/nanoplastics</li> </ul>
Wetland Standards	Comment expressing interest in this issue.
General: Triennial Review	Comment requesting public notice of pre-rulemaking efforts by DEC and additional public engagement during the deliberative stage of DEC rulemaking efforts.
6PPD-quinone	Comment requesting that DEC continue monitoring efforts to develop WQS and evaluate future actions.
Outside of triennial review scope	<ul style="list-style-type: none"> <li>● DEC received comments pertaining to Environmental monitoring is needed on Kinross/Manh Choh ore transport corridor.</li> <li>● Effect of airborne contaminants and deposition in waterbodies</li> </ul>

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#### 4. DEC Water Quality Standards 2024-2026 Issues

DEC considered public input, department priorities, and issues identified by other state and federal agencies in developing the final 2024-2026 Triennial Review Issues. Completion of issues identified for the 2024-2026 Triennial Review depends on a number of variables including but not limited to, staffing and available resources; third-party agreements; timing of EPA release of recommended criteria updates, approval of existing water quality standards packages by EPA; and new or unforeseen issues that pertain to DEC's WQS program.

**High Priority Issues for Rulemaking:** The following issues and projects reflect prior or current commitments already underway.

1. Human health criteria
2. Performance-based approach to copper
3. Natural conditions
4. Non-substantive updates - reporting of pathogens results, conversion of Latitude and Longitude references to decimal degrees, and inclusion of HUC units and/or hydraulic reach
5. Reclassification and site-specific criteria requests
6. Water Quality Intake Credits

**Issues for Information Gathering and Analysis.** The following issues and projects will be explored.

1. Aluminum – Aquatic Life Criteria
2. Ammonia – Aquatic Life Criteria
3. Groundwater Standards
4. PFAS – Aquatic Life Criteria
5. Recreational Water Quality Criteria for Microcystins and Cylindrospermopsin
6. Selenium – Aquatic Life Criteria
7. Temperature – Aquatic Life Criteria

**Issues for Tracking and Monitoring:** The following issues and projects are suggested for tracking and monitoring as emerging science and science-based policy directives are released.

1. Acrolein – Aquatic Life Criteria
2. Biocriteria
3. Carbaryl – Aquatic Life Criteria
4. Dissolved Inorganic Substances for Total Dissolved Solids
5. Emerging Contaminants
6. Nutrient Criteria
7. Petroleum Hydrocarbons
8. Pharmaceuticals and Personal Care Products
9. Wetland Standards