



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## Department of Environmental Conservation

DIVISION OF WATER  
Director's Office

PO Box 111800  
Juneau, AK 99811  
Main: (907) 465-5180  
[www.dec.alaska.gov](http://www.dec.alaska.gov)

September 28, 2023

Casey Sixkiller  
Regional Administrator  
Environmental Protection Agency, Region 10  
1200 Sixth Avenue, Suite 155  
Seattle, WA 98101

Dear Regional Administrator Sixkiller,

The State of Alaska (State), Department of Environmental Conservation (DEC) continues to make progress on revising our human health criteria (HHC) in state water quality standards. The State is cognizant of our responsibilities under the Clean Water Act (CWA) and revising our HHC remains a high priority.

DEC is interested in evaluating the integrity of the HHC formula as described in *Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health* (2000) (hereafter 2000 Methodology) published by EPA<sup>1</sup> and subsequent documents. Specifically, we are evaluating whether the current formula adequately describes the relationship between the potential toxicity of pollutants, routes of exposure, and mitigating factors (e.g. cooking loss, arctic and sub-arctic conditions) that should be considered when deriving HHC.

Recognizing your September 6, 2022, commitment “to provide technical and policy support to DEC throughout the process”, DEC is requesting more information on the following:

- Additional information on the history of the HHC formula and relevance to current rulemaking efforts. While the EPA 2000 Methodology includes some historical information in section 1.3, DEC would appreciate having additional information on the validity of the formula, concerns raised during the development of the EPA 2000 Methodology, and whether EPA still considers this to be the most “scientifically-defensible” approach to developing water quality criteria protective of human health.
- Efforts by other states to develop an alternative approach(es) to establishing HHC that does not use the EPA 2000 Methodology.
  - Please inform DEC about approaches that were proposed but not pursued via rulemaking and what proved to be the “fatal flaws.” In plain language, why did

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<sup>1</sup> EPA-822-B-00-004

EPA think Florida and Idaho's efforts to develop probabilistic approaches were not consistent with the Clean Water Act in terms of protecting designated uses.

- Are there other instances where a state has proposed an alternative means of calculating HHC?

If you have any questions on this request for information, please contact me at (907) 465-5307 or by e-mail at [randy.bates@alaska.gov](mailto:randy.bates@alaska.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Randy Bates', with a stylized flourish at the end.

Randy Bates  
Director

Cc: (email)

Dan Opalski, Deputy Regional Administrator, EPA R10

Emma Pokon, Acting Commissioner, DEC

Terri Lomax, Program Manager, Water Quality Program, DEC

Brock Tabor, Water Quality Standards, Water Quality Program, DEC