



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
WATER AND WATERSHEDS

July 15, 2010

Ms. Lynn J. Tomich Kent, Director
Division of Water
Alaska Department of Environmental Conservation
410 Willoughby Ave., Ste 303
PO Box 111800
Juneau, Alaska 99811-1800

Re: Interim antidegradation implementation methods

Dear Ms. Kent:

I am writing to acknowledge that the Alaska Department of Environmental Conservation (ADEC) has identified interim antidegradation implementation methods that EPA believes are consistent with 40 CFR 131.12. These methods were sent by ADEC to EPA by electronic mail on July 14, 2010, with a stated effective date of July 14, 2010, and have been posted on ADEC's website at:

http://www.dec.state.ak.us/water/wqsar/Antidegradation/docs/P&P-Interim_Antidegradation_Implementation_Methods.pdf

EPA's water quality standards regulation at 40 CFR 131.12(a) requires states to adopt an antidegradation policy and to identify methods for implementing that policy. Both the policy and the implementation methods must be consistent with 40 CFR 131.12. ADEC previously adopted an antidegradation policy, which is at 18 AAC 70.015, and which EPA approved on April 7, 1997.

EPA has reviewed ADEC's interim antidegradation implementation methods and believes that they are consistent with EPA's antidegradation regulation at 40 CFR 131.12, as well as Alaska's antidegradation policy at 18 AAC 70.015. The enclosed support document explains in more detail EPA's rationale.

EPA notes that ADEC chose to identify these methods in guidance, *i.e.*, outside of regulation. As explained in the preamble to EPA's proposed antidegradation implementation methods for the State of Oregon (68 Federal Register 58775 (October 10, 2003)), "[w]hen a State or authorized Tribe chooses to develop such methods as guidance or outside of regulation, EPA reviews the methods either in connection with the State or Tribe's submission of an amendment to its antidegradation regulations under CWA section 303(c)(3) or under its discretionary authority to review existing water quality standards under CWA section 303(c)(4)." In this case, ADEC has not amended its antidegradation regulations, thus EPA has reviewed ADEC's methods under CWA section 303(c)(4)(B). That section requires the Administrator to promulgate new or revised water quality standards when it is determined that doing so is necessary. Because EPA

believes that ADEC's methods are consistent with 40 CFR 131.12, no such determination would be appropriate. Thus, this letter does not constitute a CWA 303(c)(4)(B) determination; rather, this letter informs ADEC that the State of Alaska has satisfied the federal requirement to identify methods to implement its antidegradation policy consistent with 40 CFR 131.12.

EPA looks forward to working with Alaska to ensure that any future revisions to ADEC's antidegradation implementation methods are consistent with the CWA and accompanying regulations. Please contact me (206-553-4198) or Bill Beckwith (206-553-2495) of my staff if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Bussell".

Michael A. Bussell, Director
Office of Water and Watersheds

Enclosure

cc: Commissioner Larry Hartig