STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
DIRECTOR'S OFFICE

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June 30, 2008

Michael F. Gearheard, Director
Office of Water and Watersheds
US Environmental Protection Agency
1200 Sixth Avenue
Seattle, WA 98101

RE: Revisions to Alaska Water Quality Standards for Residues Criteria

Dear Mr. Gearheard:

The Department of Environmental Conservation (DEC) adopted a change in the Alaska Water Quality Standards and is submitting the change to the Environmental Protection Agency (EPA) for approval. The change adopts EPA's approach to regulating residues by use of the aesthetics criteria. The regulation change was signed by Commissioner Kurt Fredriksson on June 30, 2006 and filed by Lieutenant Governor Leman on August 2, 2006. The requirements under this regulation went into effect on September 1, 2006.

Please find enclosed:

1. the July 25, 2006 memo from the Alaska Department of Law certifying the regulation;
2. the adoption order signed by Commissioner Fredriksson and Lieutenant Governor Leman, along with a copy of the final regulation in 18 AAC 70.020(b)(8) and 18 AAC 70.020(b)(20);
3. the guidance document which explains the narrative criteria and how the criteria will be implemented in permitting, TMDLs and 303(d) listing decisions;
4. the responsiveness summary for comments received during the public notice period; and
5. DEC's fact sheet explaining the reason for the change.

I understand that your staff expressed concern about the impact of the residue change on the toxic's rule. I am instructing staff as a part of the revisions to DEC's Toxic and other Deleterious Organic and Inorganic Substances (Toxics Manual) rule to propose the following draft narrative criteria be added under 18 AAC 70.020(b)(11) and (23). This language would apply to all existing and designated uses for fresh and marine water:

> Toxic, radioactive, or deleterious substances shall not be introduced above the natural condition levels in waters of the state, at concentrations which have the potential either singularly or cumulatively to adversely affect designated water uses, or adversely affect human health.

As you know, narrative language in the toxics criteria for the protection of aquatic life, growth and propagation of fish, shellfish, other aquatic life, and wildlife (for both fresh water and marine water) already exists in current regulation. These narrative criteria prohibit concentrations of toxic substances in water or in shoreline or bottom sediments, that singly or in combination cause, or reasonably can be expected to cause, adverse effects on aquatic life or produce undesirable or nuisance aquatic life. In addition, substances may not be present in concentrations that individually or in combination impart undesirable odor or taste to fish, or other aquatic organisms, as determined by either bioassay or organoleptic tests.

I hope that the change to the toxic rule addresses your concern.

If you have any questions please contact me or Jim Powell at (907) 465-5185.

Sincerely,

Lynn J. Tomich Kent

Lynn J. Tomich Kent
Director

Enclosures:

cc: Janine Jennings, EPA R10
(w/enc): Lisa McGuire, EPA R10
Nancy Sonafrank, DEC Water/Fairbanks
Jim Powell, DEC Water/Juneau