



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

Reply To
Attn Of: OWW-131

NOV 28 2005

Re: Proposed Revisions to Alaska Water Quality Standards: REVISED "RESIDUES" CRITERIA
If Interested in Initiating Government-to-Government Consultation with EPA, Please Notify EPA
by January 13, 2006

On November 4, 2005, the State of Alaska, Department of Environmental Conservation (DEC) proposed revisions to the regulatory limits for "residues"¹ in Alaska's Water Quality Standards (WQS) at 18 AAC 70.020(b)(8) and (20). Residues criteria establish limits on residues that will protect the designated uses of waters. Enclosed is a copy of the proposed revisions to the criteria (Enclosure A).

According to DEC's public notice, the proposed revisions "would repeal the narrative language in the current criteria and replace it with criteria based on whether the residues are considered objectionable, create a nuisance, or result in undesirable or nuisance species. The proposed change also includes factors to be considered in making residue permitting and compliance decisions." According to a Fact Sheet prepared by DEC, the proposed revisions would affect members of the public who use waters where residues may be found, as well as facilities that discharge wastewater that may contain or cause residues, such as seafood processors and log transfer facilities. DEC is accepting comments on the proposed revisions through December 22, 2005. EPA encourages you to provide comments to DEC if you have an interest in this proposed revision. Information related to the proposed revision, including how to provide comments to DEC, is provided by DEC at <http://www.dec.state.ak.us/water/wqsar/trireview/residues.htm>.

In addition, as required by the Clean Water Act (CWA; 33 U.S.C. 1251 *et seq.*), revisions to State WQS are subject to EPA review and approval or disapproval ("action") based on whether the revised WQS are consistent with the CWA and the implementing federal regulations. If the State finalizes and adopts the proposed changes to the residues criterion, it would not be effective for CWA purposes unless the State submits it to EPA for review and EPA approves it.

¹ "Residues" are defined in Alaska's WQS as "floating solids, debris, sludge, deposits, foam, scum, or any other material or substance remaining in a waterbody as a result of direct or nearby human activity" (18 AAC 70.990(49)).

In preparation for our anticipated review and action, we wish to offer Alaska Tribes the opportunity to initiate government-to-government consultation with EPA regarding this anticipated action. *If your Tribal government wishes to initiate government-to-government consultation, notify Lisa McGuire, EPA's coordinator for Alaska WQS review, no later than January 13, 2006.* You may reach Ms. McGuire by phone at (206) 553-0226, by fax at (206) 553-0165, or by e-mail at mcguire.lisa@epa.gov. The purpose of notifying Ms. McGuire is to indicate that your Tribe may wish to consult with EPA regarding EPA's action, and to discuss options and schedules for conducting government-to-government consultation.

In addition to DEC's proposed revisions to the criteria (Enclosure A), enclosed is a copy of DEC's draft guidance explaining how the revised criterion would be implemented (e.g., in wastewater discharge permits) (Enclosure B). Again, you may also wish to examine DEC's web site for this proposed revision at <http://www.dec.state.ak.us/water/wqsar/trireview/residues.htm>.

If you have any questions regarding this letter, please contact me at (206) 553-7151 or Ms. McGuire at (206) 553-0226. Thank you for your attention.

Sincerely,



Michael F. Gearheard, Director
Office of Water and Watersheds

Enclosures

A "Department of Environmental Conservation, 18 AAC 70 Water Quality Standards, Public Comment Draft October 30, 2005" – this document indicates the proposed changes to the State's "residues" criterion. **Bold underlined** text indicates proposed new text. [CAPITALIZED TEXT IN BRACKETS] indicates text that is proposed to be deleted. Also available at: <http://www.dec.state.ak.us/water/wqsar/trireview/residues.htm>.

B "Guidance for Residue Criteria Implementation – Draft Reflecting Proposed Residue Criteria Regulations." Also available at: <http://www.dec.state.ak.us/water/wqsar/trireview/residues.htm>.

cc: Nancy Sonafrank
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