



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

FEB 23 2007

Reply To
Attn Of: OWW-131

Ms. Lynn J. Tomich Kent
Director, Division of Water
Department of Environmental Conservation
555 Cordova Street
Anchorage, AK 99501-2617

Re: Alaska Water Quality Standards (WQS) Revisions Related to Analytical Methods

Dear Ms. Kent:

On August 18, 2006, the Environmental Protection Agency (EPA) received your letter dated August 14, 2006, submitting certain water quality standards (WQS) revisions to EPA for review. These revisions related to the dissolved gas criteria and to analytical methods references and definitions in the State's WQS. DEC proposed these revisions by public notice on June 1, 2005. The final regulation change was signed by the DEC Commissioner on May 3, 2006 and filed by the Lieutenant Governor on May 14, 2006. The requirements under the revised regulation became effective for State purposes on June 13, 2006.

EPA previously took final action on the revised dissolved gas criteria pursuant to our authority under Section 303(c) of the Clean Water Act (CWA) and the implementing regulations at 40 CFR Part 131 (letter from Michael Gearheard to Lynn Kent dated October 24, 2006). This letter addresses the remaining revisions relating to analytical methods included in your August 14, 2006 submittal. The specific changes submitted by Alaska are shown in abbreviated form in Table 1, below.

Revisions 1-9 and 11-13 are for the purpose of updating citations to analytical procedures references used in water quality analysis, are editorial or non-substantive in nature, or provide corrected definitions for common scientific terms. These revisions do not establish an ambient condition or level of protection by specifying a magnitude, duration, or frequency of water quality criteria. Therefore, they are not water quality standards subject to EPA review and approval under Section 303(c) of the Clean Water Act and the implementing regulations and EPA is not taking action on them.

Revision 10 deals with whole effluent toxicity (WET) testing and is subject to EPA action under Section 303(c) of the CWA and its implementing regulations. EPA has determined that this revision meets the requirements of 40 C.F.R. 131 and therefore approves it.

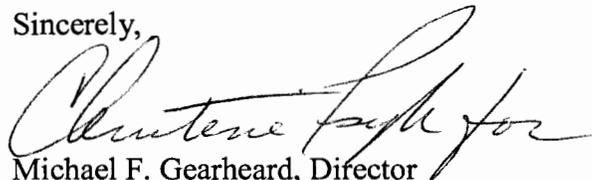
Section 7(a) of the Endangered Species Act (ESA; 16 U.S.C., Section 1536(a)) requires that federal agencies, in consultation with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS), ensure that their actions are not likely to jeopardize the continued existence of federally listed species or result in the adverse modification of designated critical habitat of such species. The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires federal agencies to consult with the National Marine Fisheries Services (NMFS) on activities that may adversely affect essential fish habitat (EFH).

Since EPA is not taking action on Revisions 1-9 or 11-13, EPA is not required to consult on those revisions. EPA has determined that EPA's approval of Revision 10 has no effect on listed species or critical habitat, or essential fish habitat, and that consultation on this action is not required.

When EPA Region 10 is the ultimate decision-making authority, federal and EPA Region 10 policies direct EPA Region 10 to consult with affected federally-recognized tribal governments prior to decision-making. By letter dated August 17, 2005, the Director of the Office of Water and Watersheds for EPA Region 10 invited federally-recognized Alaska tribes to initiate consultation with EPA regarding the Region's review of the dissolved gas and analytical methods revisions to Alaska's water quality standards. No tribes notified EPA of a desire to initiate government-to-government consultation on EPA's action.

A detailed discussion of EPA's determination is enclosed for your information. Please contact Lisa McGuire of my staff at (206) 553-0226, mcguire.lisa@epa.gov if you have any questions relating to this letter or the enclosed analysis.

Sincerely,



Michael F. Gearheard, Director
Office of Water and Watersheds

Enclosure

cc: Jim Powell, DEC
Nancy Sonafrank, DEC

Table 1. Revisions¹ to 18 AAC 70.020, 18 AAC 70.030, and 18 AAC 70.990 as submitted by letter dated August 14, 2006 to EPA.

	Revision
1	18 AAC 70.020(b), note 1, is amended to read: 1. Wherever criteria for fecal coliform bacteria are provided in this section, fecal coliform bacteria enumeration must be determined by the membrane filter technique or most probable number procedure according to any edition of <i>Standard Methods for the Examination of Water and Wastewater</i>, adopted by reference [18 TH EDITION, 1992, AS DESCRIBED] in (c)(1) of this section [AND ADOPTED BY REFERENCE], or in accordance with other standards approved by the department and the United States Environmental Protection Agency (EPA).
2	18 AAC 70.020(b), note 7, is amended to read: 7. Samples to determine concentrations of total aromatic hydrocarbons (TAH)...the EPA methods referred to in this note may be found in Appendix A of 40 C.F.R. 136 , [APPENDIX A,] as revised as of July 1, 2003 [2002] and adopted by reference.
3	18 AAC 70.020(b), note 8, is amended to read: 8. Color is as measured in color units on the platinum-cobalt scale according to any edition of <i>Standard Methods for the Examination of Water and Wastewater</i>, adopted by reference [18 TH EDITION, 1992 AS DESCRIBED] in (c)(1) of this section [AND ADOPTED BY REFERENCE].
4	The lead-in language of 18 AAC 70.020(c) is amended to read: (c) Water quality must [WILL] be analyzed according to...
5	18 AAC 70.020(c)(1) is amended to read: (1) <i>Standard Methods for the Examination of Water and Wastewater</i> , 18 th edition [EDITION], 1992, 19th edition, 1995, or 20th edition, 1998 , published jointly by the ...and the Water Environment Federation; the editions of <i>Standard Methods for the Examination of Water and Wastewater</i> listed in this paragraph are adopted by reference, except that analytical methods 3111B, 3111D, 3112B, 3113B, and 3114B in the 20th edition are not adopted by reference and are not approved [(PUBLICATION OFFICE: AMERICAN PUBLIC HEALTH ASSOCIATION, 1015 15 TH STREET NW, WASHINGTON, D.C. 20005)];
6	18 AAC 70.020(c)(2) is amended to read: (2) <i>Methods for Chemical Analysis of Water and Wastes</i> , March 1983 [MARCH 1979, TECHNICAL REPORT NO. EPA 600-4-79-020], Environmental...Agency, Technical Report No. EPA-600/4-79-020, adopted by reference [CINCINNATI, OHIO...ORDER NO. PB 297686)];
7	18 AAC 70.020(c)(3) is amended to read: (3) <i>EPA's Guidelines Establishing Test Procedures... adopted by reference</i> [GUIDELINES ESTABLISHING TEST PROCEDURES...VOL. 49, NO. 209];
8	18 AAC 70.020(c)(4) is repealed: (4) repealed 6/13/2006 ;
9	18 AAC 70.020(c)(5) is amended to read: (5) <i>Methods for Organic Chemical Analysis</i> ...July 1982 [TECHNICAL REPORT NO. EPA 600 14-82-057], Environmental Monitoring and Support Laboratory, Office of Research and Development...adopted by reference [CINCINNATI, OH 45268]; (Eff. 11/1/97...am 6/13/2006 , Register 178).... Editor's note: Federally-promulgated... Washington, D.C. Information on purchasing <i>Standard Methods for the Examination of Water and Wastewater</i>, adopted...http://nepis.epa.gov...

Revision	
10	The lead-in language of 18 AAC 70.030(a) is amended to read: 18 AAC 70.030. Whole effluent toxicity limit. (a) An effluent...The permittee shall use methods and species approved by the United States Environmental Protection Agency in <i>Short-term Methods... Organisms</i> , 4th edition (2002), Technical Report No. EPA-821-R-02-013, adopted by reference, and [(2D ED. 1989) (OFFICE OF RESEARCH AND DEVELOPMENT...EPA-600/4-89/001),] <i>Short-term Methods...to West Coast Marine and Estuarine Organisms</i> , 1st edition (August 1995), Technical Report...adopted by reference [(1988) (OFFICE...REVISION 1)], or alternate...(Eff. 11/1/97...am 6/13/2006 , Register 178)... Editor’s note: <i>Short-term Methods</i>...Internet address: http://nepis.epa.gov.
11	18 AAC 70.990(34) is amended to read: (34) “mean” means...for fecal coliform analysis, is computed as a geometric mean [LOGARITHM];
12	18 AAC 70.990(52) is amended to read: (52) “settleable solids” means...in method 2540(F), in any edition of <i>Standard Methods</i>...adopted by reference in 18 AAC 70.020(c)(1) [18 TH EDITION (1992)];
13	18 AAC 70.990(70) is amended to read: (70) “milliequivalents per liter [LITTER]” or “meq/l” mean milligrams per liter divided by the molecular weight of a chemical species, and multiplied by the electrical charge or valence of the species [THE CHEMICAL COMPOUND]; (Eff 11/1/97...am 6/13/2006 , Register 178) Authority: AS 46.03.010...[AS 46.03.090]...

¹ Unchanged regulatory text is shown as text without bold underline format; regulatory text being added with this revision is shown as **bold underlined** text, and regulatory text being removed with this revision is shown as [CAPITAL BRACKETED] text. Effort has been made to ensure the revisions in this table are indicated accurately but this table is an abbreviated, not an exact, transcription of the State’s submittal and the State’s official submittal package must be used if an exact transcript of the revisions is needed.