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Subject Update on mixing zones

Dear all,

I would like to provide you with a brief update on the status of EPA's review of Alaska's revised "mixing zone" regulation.

As you know, the State proposed revisions to the mixing zone regulation at the end of 2005. The State submitted the regulation to EPA for EPA review and approval in August, 2006.

Following EPA's initial review of the package submitted by DEC in August 2006, EPA identified several areas of concern to DEC that required further work. The most significant issues we raised related to the protection of subsistence uses of waters, as required by the mixing zone regulation itself, and to the provisions allowing for mixing zones in spawning areas.

EPA and DEC managers held several discussions in 2007 on these topics, and DEC has recently undertaken development of implementation guidance to address concerns raised by EPA. DEC has stated that it will share a draft of this implementation guidance with the public before the end of this calendar year. This new implementation guidance will likely be an important consideration in EPA's review of the mixing zone regulation. As soon as we are aware that this guidance is available to the public, we will assist you in obtaining a copy.

As part of our ongoing government-to-government consultation, if there is interest by participants, it may be helpful to hold an update conference call on this topic in the near future. Please let me know if you would be interested in such a call. Please note however that I will be out of the office from October 22 through November 2, and so any call would not be scheduled until later in November.

Sincerely,

Lisa

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