



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

August 17, 2005

Reply To
Attn Of: OWW-131

Re: Consultation with EPA on Anticipated Changes to Alaska Water Quality Standards: Dissolved Gas Criterion for the Seafood Processing Use in Marine Waters; Analytical Methods

I am writing to offer you the opportunity to initiate consultation with EPA regarding our anticipated review and approval or disapproval of several upcoming changes to the State of Alaska's water quality standards (WQS). WQS define the water quality goals of a water body and serve as a regulatory basis for establishing treatment controls and strategies for point-source dischargers. These standards establish the uses to be made of the water, and the scientifically-based water quality criteria that will protect these uses. As required by the Clean Water Act (CWA; 33 U.S.C. 1251 *et seq.*), States develop and periodically revise their WQS. The standards are subject to EPA review and approval or disapproval based on whether they meet requirements of the CWA.

Specifically, on June 1, 2005, Alaska's Department of Environmental Conservation (DEC) proposed several changes to Alaska's WQS. First, DEC proposed to revise the existing marine waters "total dissolved gas" criterion by eliminating minimum dissolved oxygen (DO) requirements for waters used in seafood processing. This proposed change would not affect other marine water total dissolved gas requirements; in particular, minimum DO requirements for other water supply uses, for recreation, for growth and propagation of fish, shellfish, other aquatic life, and wildlife, and for harvesting for consumption of raw mollusks or other raw aquatic life, would remain unchanged. Also on June 1, 2005, DEC proposed to update several references to laboratory methods found in Alaska's water quality standards to be consistent with current EPA guidance for these methods; and to correct definitions. For your reference, I am enclosing both the proposed revised regulatory language and the accompanying "Frequently Asked Questions" (FAQs) document provided by DEC in its June 1, 2005 public notice of proposed changes (these and other materials are available from the State's water quality standards web site at: <http://www.dec.state.ak.us/water/wqsar/trireview/dissolvedox.htm>).

DEC closed the public comment period for these proposed changes on July 18, 2005. EPA anticipates that DEC will make final changes to the regulatory language and submit the revised WQS to EPA for review and approval in the near future. We anticipate taking action on the State's submittal within 60 to 90 days of receiving it.

In preparation for our anticipated action, we wish to offer Alaska Tribes the opportunity to initiate consultation with EPA regarding EPA's action on the proposed changes mentioned above. To this end, I ask that if you wish to initiate consultation with us, or simply wish to share any comments regarding our action on these proposed changes, please contact Lisa McGuire, EPA's WQS coordinator for Alaska, no later than *September 16, 2005*. You may reach her directly by phone at 206.553.0226, by fax at 206.553.0165, or by e-mail at mcguire.lisa@epa.gov. She can then provide you with updated information as well as discuss options and schedules for further communication on this issue with EPA. We anticipate that such further communication will take place in September and October, 2005.

If at any time you have any questions on this letter or EPA's WQS review process, please contact Ms. McGuire directly. If you have any other questions, please feel free to contact me directly at 206.553.7151.

Sincerely,

/s/

Michael F. Gearheard, Director
Office of Water and Watersheds

Enclosures

June 1, 2005 public notice version of the proposed revised DO and methods regulatory language (also available at: <http://www.dec.state.ak.us/water/wqsar/trireview/pdfs/dopubcm.pdf>)

June 1, 2005 "Frequently Asked Questions" for these proposed revisions (also available at: <http://www.dec.state.ak.us/water/wqsar/trireview/pdfs/Dissolved%20Oxygen%20FAQ.pdf>)

cc:

Tim Hamlin, OETPA
Santina Gay, AOO
Tracy Chellis, OWW
Jannine Jennings, OWW
Kenneth Fisher, AOO
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