



Southeast Alaska Conservation Council

2207 Jordan Ave
Juneau, AK 99801
(907) 586-6942
www.seacc.org

May 6, 2024

Brock Tabor
Division of Water
Alaska Department of Environmental Conservation
P.O. Box 111800
Juneau, Alaska 99811-1800

Submitted online via <https://water.alaskadec.commentinput.com/?id=mtPEFZ8Mp>

RE: 2024-2026 Triennial Review

Dear Mr. Tabor,

Please accept these comments on behalf of the Southeast Alaska Conservation Council for the Alaska Department of Environmental Conservation's 2024-2026 triennial review cycle.

We appreciate the opportunity to comment on DEC's prioritization for the 2024-2026 Triennial Review (TR). SEACC previously submitted a number questions on the TR and we appreciate the answers that were provided and uploaded on DEC's TR webpage.

Transparency as a priority in the TR and rulemaking

We appreciate the TR public notice, public hearing, and comment period and we encourage DEC to be transparent throughout the TR process. We request notification of the public if DEC is undertaking any pre-rulemaking efforts (step 3 below) and that the DEC provide information about how the public can engage with the DEC or track and understand DEC's efforts in rulemaking.

DEC has identified a six-step approach to conducting the Triennial Review and potential Water Quality Standards Rulemaking and has indicated that for Department-identified high-priority issues selected for consideration during the TR cycle, it may proceed with steps 3-6.



The steps DEC has identified include the following:

1. Public notice of Triennial Review.
2. Select and Prioritize Triennial Review Issues.
3. Research High Priority Issues.
4. Prepare WQS rulemaking.
5. Public notice of proposed WQS rulemaking.
6. Amend and adopt new WQS.

DEC's process fact sheet¹ indicates that step 3 pre-rulemaking efforts may include one or more of the following:

- Development of DEC policy briefs
- Hold public workshops;
- Solicit independent contractor reports;
- Host technical workgroups of recognized experts;
- Solicit stakeholder advisory group for issues with significant public interest; and/or
- Solicit other forms of stakeholder feedback (email list, fax, teleconference, survey).

SEACC asks that in conducting any portions of step 3, that DEC do so with a high degree of transparency, notifying the public of the initiation and progress of efforts undertaken toward or pursuant to WQS rulemaking and of opportunities to engage with the DEC, including less formal opportunities prior to publication of draft WQS regulations for public review and comment.

Amended human health criteria

SEACC supports prioritization of rulemaking during the 2024-2026 TR period pursuant to the adoption of amended human health criteria and an updated fish consumption rate for Alaska.

Adopt numeric WQS for PFOA and PFOS

We request that in the 2024-2026 TR period, that DEC adopt numeric water quality standards for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS).

¹ https://dec.alaska.gov/media/n3lapmhk/tr-processfactsheet_01_08_24_final.pdf



This issue should be ranked as a high-priority issue for rulemaking as PFOA/PFOS contamination presents a risk to human health and the environment. DEC should, at minimum, adopt the EPA national recommended draft criteria for PFOA and PFOS.² These numerical standards for PFOA and PFOS are feasible and scientifically defensible.

6PPD quinone

DEC should include 6ppd quinone in the TR. 6ppd quinone has the potential to have ecotoxic effects that impact the salmon populations that are essential for Alaskan's healthy food and economy. EPA's Office of Water is developing draft screening values for 6PPD-quinone and 6PPD in water that are protective of sensitive salmon and other aquatic life.³ DEC should closely track EPA's information⁴ and efforts around 6ppd quinone and evaluate what actions Alaska can take.

Intake credits

SEACC asks that DEC move intake credits to Phase II: Information Gathering and Analysis and not include it in as a High Priority Issue for Rulemaking for the 2024-2026 TR period.

Tier 3 nomination process

SEACC has previously submitted requests that DEC adopt a science-based agency process for nomination and designation of Tier 3 Outstanding National Resource Waters. We remain disappointed by DEC's failure to do so.

Thank you for the opportunity to provide these public comments.

Respectfully submitted,

Aaron Brakel
Clean Water Campaigns Manager
Southeast Alaska Conservation Council

² <https://www.epa.gov/system/files/documents/2022-04/pfoa-pfos-draft-factsheet-2022.pdf>

³ <https://www.epa.gov/newsreleases/epa-develops-6ppd-q-water-testing-method-widespread-use>

⁴ <https://www.epa.gov/chemical-research/6ppd-quinone>