



VIA ONLINE SUBMISSION:

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

May 6, 2024

Brock Tabor, Environmental Program Specialist  
Alaska Department of Environmental Conservation  
Post Office Box 111800  
Juneau, Alaska 99801-1800

Re: Alaska's Triennial Review of Water Quality Standards

Dear Mr. Tabor:

Thank you for the opportunity to provide comments to the Alaska Department of Environmental Conservation (ADEC) on its Triennial Review process and priorities for 2024-2026. I am submitting these comments on behalf of Cook Inletkeeper (Inletkeeper), which is a community-based organization with more than 8,500 members and supporters throughout the Cook Inlet watershed.

Inletkeeper recognizes that Cook Inlet, or Tikahtnu, is the traditional waters of the Dena'ina and Sugpiaq people who have lived, thrived, and cared for these waters from time immemorial and continue to do so today. Inletkeeper requests that the state seeks out and honor indigenous knowledge for the management of Alaska's resources including setting priorities for water quality standards. Inletkeeper knows that Alaska Native Tribes are sovereign governments and therefore should be consulted on any management process or action that could ultimately impact their traditional lands and their citizens. Since the last Triennial Review process, the State of Alaska passed a bill providing for state recognition of federally-recognized Tribes. Inletkeeper interprets this to mean that state will seek input from Tribes beyond efforts to reach out to the general public. If ADEC has not initiated formal government-to-government consultations with tribes throughout the state concerning the Triennial Review process, Inletkeeper would encourage ADEC to offer such consultations opportunities to both allow the state to benefit from traditional knowledge and to ensure that concerns from these nations are understood and considered early in the process.

Below are Inletkeeper’s feedback on issues and projects ADEC has prioritized for 2024-2026:

A. Amended Criteria for the Protection of Human Health

Inletkeeper supports ADEC’s continued effort to improve criteria for the protection of human health. Of particular note, in a state with high consumption of aquatic organisms and reliance on traditional foods, the state must engage directly with Tribes to ensure a practical understanding of local fish consumption rates.

B. Copper – Aquatic Life Criteria

Research over the past decades has shown copper has serious impacts on the olfactory (i.e., homing) capacities of various salmon species. The Triennial Review Summary states ADEC will consider use of EPA’s biotic ligand model (BLM) on a “site specific” basis. While Inletkeeper agrees the BLM represents a viable path to consider managing copper pollution in salmon and other streams, ADEC should adopt statewide criteria that protect salmon regardless of point source influences. For example, brake pads in cars and trucks are known contributors of copper to our fresh water and marine systems, yet they would escape management under a site-specific analysis. One way to address this problem is through voluntary agreements with brake pad manufacturers, similar to how Washington and California manage them; EPA’s 2015 memorandum of understanding with industry trade groups provides another way forward. In any case, while site specific considerations are important for large industrial projects, more generic statewide protections should be addressed in the Triennial Review for nonpoint sources.

C. Intake Credits

Inletkeeper is concerned about the high priority status of intake credits and potential fast-tracked rulemaking. 18 AAC 83.545 allows for ADEC to provide intake credits for manufacturing, commercial, mining, and other facilities that discharge only non-process wastewater into the same body of water if the requirements of 18 AAC 83.545 are met. Discharges must demonstrate through sampling and other technical factors that the pollutant is not present in the discharge or is present only at background levels from intake water and without any increase in the pollutant due to activities of the discharger.<sup>1</sup> This determination would require a significant burden on ADEC and the discharge permittee. A thorough understanding of this process would need significant vetting in Alaska. We recommend “Intake Credits” be moved to Phase 2: Information Gathering and Analysis.

D. Natural Conditions:

Provisions to address natural conditions should be wrapped into the state’s antidegradation policy and implementation procedures. To create stand-alone rules or policy will only make the state’s Water quality Standards less predictable and manageable.

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<sup>1</sup> Alaska Department of Environmental Conservation Human Health Criteria Technical Workgroup Report Final Draft. November 13, 2018 (<https://dec.alaska.gov/media/11091/hhc-technical-workgroup-report-updated-adfg-11-13-18.pdf>)

#### E. Groundwater Standards

Inletkeeper supports ADEC's priority to better understand potential groundwater water quality standards for the protection of Alaska's aquatic resources. Inletkeeper has invested significant resources in understanding groundwater contributions to surface water temperature patterns. Using thermal imagery, Inletkeeper has been able to map groundwater inflows into valuable salmon streams in Southcentral Alaska. However, these efforts show us just one critical contribution of groundwater and, with significant proposed mining, transportation, and agricultural activity in the near future, it is imperative that we assess tools to ensure greater protections of our groundwater resources.

#### F. Per-and polyfluoroalkyl (PFAS) – Aquatic Life Criteria

Inletkeeper requests moving PFAS to Phase 1: High Priority Issue for Rulemaking. ADEC has acknowledged more than 450 sites where PFAS contamination has been identified in soil and water, including contamination of drinking water sources in communities throughout Alaska. In April 2024, EPA finalized its PFAS Drinking Water Regulation. We expect EPA will finalize its draft (2022) PFAS Aquatic Life Criteria before the end of this Triennial Review period. Alaska must be ready to promulgate its PFAS Rule soon after.

In closing, ADEC has a fiduciary duty to the people of Alaska to manage for the benefit of the people as a whole, rather than for the benefit of the government, corporations, or private persons.<sup>2</sup> That duty requires that the government and its agencies are careful stewards of the lands and water. Inletkeeper expects and appreciates a transparent Triennial Review process and looks forward to continuing to engage with ADEC in this important matter.

Yours for Cook Inlet Watershed,



Sue Mauger  
Science Director

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<sup>2</sup> Alaska Const. Art. VIII, § 3; *Citizen's Guide* 132.