

**Alaska Department of Environmental Conservation**  
**Antidegradation “Quick Fix” Issues: Making Them Workable**  
**DRAFT 05-07-15**

Quick Fix Issue	How to Tee Up the Quick Fix Issue: Making the Regulations Workable	Additional Information about Quick Fix Issue
The use of the phrase “actions or discharges”	<ul style="list-style-type: none"> <li>The language in the draft regulations will be revised to delete the term “actions” and only use “discharges”</li> </ul>	<ul style="list-style-type: none"> <li>Concerns that the term “actions” is vague, overbroad and undefined, however, the use of “discharges” alone may not be consistent with the Clean Water Act (CWA), as well as other state regulations, which use the terms action and/or activity</li> </ul>
Assimilative Capacity Inappropriate Social or Economic Importance Criteria	<ul style="list-style-type: none"> <li>The department will remove remaining assimilative capacity as a criteria for the importance analysis, social or economic. Assimilative capacity may be evaluated if the department determines it is necessary under the baseline water quality provision</li> </ul>	
Antidegradation analysis on a “major retrofit of a treatment process.”	<ul style="list-style-type: none"> <li>The proposed regulatory language may be deleted</li> </ul>	<ul style="list-style-type: none"> <li>Concerns on the meaning of this section, how this would be implemented/performed, and generally non-supportive of the proposed regulatory language</li> </ul>
Alternatives Analysis Facility wide/upstream evaluation	<ul style="list-style-type: none"> <li>The department may remove the proposed language in 18 AAC 70.016(c)(5)(E); specifically “where applicable, this may include an analysis of alternatives not directly tied to the discharge that the applicant will employ to minimize water quality degradation of the receiving water or its watershed for pollutants or parameters in the proposed discharge, such as sewer collection system rehabilitation or instituting storm water controls”</li> </ul>	<ul style="list-style-type: none"> <li>The language was interpreted by commenters as either: 1) allowing consideration of non-applicable alternatives to the discharge or, 2) allowing for department evaluation upstream from the point of discharge and/or facility-wide</li> </ul>
Use of the phrase “pollutant or parameter”	<ul style="list-style-type: none"> <li>The department will remove the proposed CWA-based definition of pollutant and has reviewed the proposed regulations and made edits to ensure the terms are used correctly</li> <li>The department will revise the regulations to use the term “parameter by parameter,” consistent with commenters request and EPA proposed policy (WQS rule)</li> </ul>	<ul style="list-style-type: none"> <li>The phrase “pollutant or parameter basis” was intended to include both “pollutant-by-pollutant” or “parameter-by-parameter” in the context of water quality standards in 18 AAC 70</li> </ul>

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Tier 3 Offsets	<ul style="list-style-type: none"> <li>• The proposed regulations section describing allowable offset discharges to a Tier 3 water may be removed/deleted</li> </ul>	A new or increased discharge to Tier 3 water would only be considered if it would create a net benefit/improvement to water quality. Degradation of Tier 3 water quality is not allowed

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