

ANTIDegradation Implementation Methods: Notice of Proposed
Changes to the Water Quality Standard Regulations of the
Department of Environmental Conservation

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation proposes to amend the water quality standard regulations to address antidegradation implementation methods.

The Alaska Department of Environmental Conservation (ADEC) proposes to adopt regulation changes in 18 AAC 70 of the Alaska Administrative Code, establishing Antidegradation Implementation Methods for APDES permitted wastewater discharges to Waters of the US in the State of Alaska, including the following:

- (1) Amend 18 AAC 70.015 regarding pollution prevention methods and move the language to a new section at 18 AAC 70.016.
- (2) Add a new section at 18 AAC 70.016 to describe levels of protection for waters of the United States within the State of Alaska, consistent with the federal Clean Water Act.
- (3) Amend 18 AAC 70.990 to add new definitions.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Earl Crapps at ADEC Division of Water, 555 Cordova Street, Anchorage, AK 99501. Additionally, the ADEC will accept comments by facsimile at 907-269-7509 and by electronic mail at Earl.Crapps@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 5:00 pm on August 7, 2017.

ADEC will hold an informational question and answer session to discuss the proposed regulations prior to conducting a public hearing. The session is scheduled for one hour immediately preceding the hearing.

Oral or written comments also may be submitted at a hearing to be held on July 20, 2017, at the ADEC Anchorage Building, 555 Cordova Street, First Floor Main Conference Room, Anchorage, AK 99501. There will be a call-in number if you are not able to attend the meeting in person. The call-in number will be 1-800-315-6338, and the Meet Me Code will be 78594. The hearing will be held from 4:00 pm to 6:00 pm and may be extended to accommodate those present before 5:30 pm who did not have an opportunity to comment. The question and answer session will begin at 3:00 pm.

You may submit written questions relevant to the proposed action to Earl Crapps by e-mail at Earl.Crapps@alaska.gov and by mail to 555 Cordova Street, Anchorage, AK 99501. The questions must be received at least 10 days before the end of the public comment period. The ADEC will aggregate its response to substantially similar questions and make the questions and responses available on the Division of Water's Antidegradation webpage at

<http://dec.alaska.gov/water/wgsar/Antidegradation>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Natalie Wolfe at (907) 269-0291 or Natalie.Wolfe@alaska.gov not later than July 13, 2017, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Earl Crapps by e-mail at Earl.Crapps@alaska.gov or at (907) 269-7681.

After the public comment period ends, the ADEC will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.** Written comments received are public records and are subject to public inspection.

Statutory authority: AS 46.03.010; AS 46.03.020; AS 46.03.050; AS 46.03.070; AS 46.03.080; AS 46.03.100; AS 46.03.110; AS 46.03.710; AS 46.03.720

Statutes being implemented, interpreted, or made specific: AS 46.03.010 - AS 46.03.120; AS 46.03.710; AS 46.03.720

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: May 31, 2017



Larry Hartig, ADEC Commissioner

ADDITIONAL REGULATION NOTICE INFORMATION

(AS 44.62.190(d))

1. Adopting agency: Department of Environmental Conservation
2. General subject of regulation: Water Quality Standards
3. Citation of regulation (may be grouped): 18 AAC 70
4. Department of Law file number, if any: JU2015200094
5. Reason for the proposed action:
 - (X) Compliance with federal law or action (identify): The Clean Water Act 33 U.S.C. 1313(c) and 40 CFR 131.12 (b) require the state to develop methods for implementing the antidegradation policy that are, at a minimum, consistent with the state's policy at 18 AAC 70.015.
 - () Compliance with new or changed state statute
 - () Compliance with federal or state court decision (identify): ___ _
 - () Development of program standards
 - () Other (identify): ___
6. Appropriation/Allocation: Water Division, Wastewater Discharge Authorization Program
7. Estimated annual cost to comply with the proposed action to:

a. Private Persons: There is a potential cost increase to Businesses and or Private Persons with industrial facilities or large projects that will require an Alaska Pollutant Discharge Elimination System (APDES) Individual Permit for a new or increased discharge authorization for regulated pollutants. Activities or discharges include, for example Mining Activities, Oil and Gas Extraction, Domestic and Industrial Utilities, Construction Activities, and Seafood Processing. Individual Permit applicants will now be required to complete and submit their own Antidegradation Analysis. Assuming the applicant employs a consultant at \$150/hour the estimated cost increase ranges from \$6,000-\$18,000 per permit depending on the complexity of the permit. This cost or a portion thereof may recur once every 5 years for any proposed expanded discharge, as long as the permit is needed. These costs could decrease if the applicant is able to complete the required analyses in-house. There may be the potential for utilities and local governments to pass the increased costs to individual rate payers, but there is not enough information to evaluate this potential effect.

b. Another state agency: Limited: There is no expected effect to the majority of state agencies as they typically do not obtain individual wastewater discharge permits. A state agency that requires an APDES Individual Permit would be impacted; see part "a." for the estimated cost.

c. Municipalities: There is a potential cost to local governments that require an APDES Individual Permit for Wastewater Treatment Facilities (WWTF) or Utilities for a new or increased discharge authorization for regulated pollutants. Individual Permit applicants will be required to complete and submit their own Antidegradation Analysis. The cost impacts will likely reflect the cost estimates presented in part "a." above.

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY _18	Subsequent Years
Operating Cost	\$ _ 0	\$ _ 0
Capital Cost	\$ _ 0	\$ _ 0
1002 Federal receipts	\$ _ 0 _	\$ _ 0 _
1003 General fund match	\$ _ 0 _	\$ _ 0 _
1004 General fund	\$ _ 0	\$ _ 0 _
1005 General fund/program	\$ _ 0	\$ _ 0
Other (identify)	\$ _ 0	\$ _ 0

9. The name of the contact person for the regulation:

Name: Earl L. Crapps
Title: Environmental Program Manager II
Address: 555 Cordova Street Anchorage, Alaska 99501
Telephone: (907) 269-7681
E-mail address: earl.crapps@alaska.gov

10. The origin of the proposed action:

Staff of state agency
 Federal government
 General public
 Petition for regulation change
 Other (identify): ___

11. Date: May 31, 2017

Prepared by: 
Name (printed): Earl L. Crapps
Title (printed): Environmental Program Manager II
Telephone: (907) 269-7681