

Antidegradation Implementation Regulations

ALASKA WATER QUALITY STANDARDS

Fact Sheet

What is Antidegradation?

Antidegradation is a tool used to protect the water quality in the State of Alaska. Antidegradation implementation is the method or process for determining whether and to what extent the water quality may be lowered or degraded.

The Federal Clean Water Act requires states to have an antidegradation policy and implementation methods. Federal legislation specifies that states must have an antidegradation policy that:

- Protects existing uses
- Authorizes the lowering of water quality in high quality waters, where necessary for social or economic importance
- Establishes mechanisms to provide additional protection for waters of exceptional ecological or recreational significance. These waters are often called Outstanding National Resource Waters or ONRWs.

The antidegradation requirement is primarily designed to require states to look carefully during the wastewater discharge permitting process at the advantages and disadvantages of authorizing a discharge of pollutants that will lower the quality of a water of the state. Among other factors, states are to look at: (1) water quality degradation from both point and nonpoint sources of pollution, (2) whether there are cost effective practicable alternatives to a new or increased discharge, and (3) what social and economic benefit in the area of the receiving water would be necessary to justify any degradation.

Alaska's current antidegradation policy, adopted in 1997, is found in the Water Quality Standards regulations at 18 AAC 70.015. The U.S. Environmental Protection Agency (EPA) approved Alaska's policy with the stipulation that Alaska write implementation guidance. DEC adopted interim implementation methods in July 2010 but has yet to adopt final implementation procedures in regulation.

Why Is This Important?

- The Antidegradation policy and implementation methods are protective of Alaska's waters.
- The Antidegradation policy and implementation methods assure that activities that lower or have the potential to lower water quality in the state are permitted only if those activities are necessary, important and protect existing uses.
- The Antidegradation policy directly affects the Alaska Pollutant Discharge Elimination System application and permit development process.

STATE OF ALASKA



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<http://dec.alaska.gov/water/wqsar/Antidegradation/index.html>

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What Has DEC Done So Far?

DEC hosted a public conference on antidegradation issues in December 2009. The purpose of the conference was to inform policy makers, wastewater discharge permittees, permit writers, and interested public regarding options for implementing procedures. Information from the conference is posted on the DEC Antidegradation website

at: <http://dec.alaska.gov/water/wqsar/wqs/antidegconference.htm>

DEC adopted “Interim Antidegradation Implementation Methods” in July 2010. A copy can be found at: http://dec.alaska.gov/water/wqsar/Antidegradation/docs/P&P-Interim_Antidegradation_Implemenation_Methods.pdf

In January 2012, DEC assembled a stakeholder workgroup to evaluate implementation options and to provide recommendations to DEC. The report was finalized in January 2013. All documents pertinent to this process are available on the DEC Antidegradation website

at: <http://dec.alaska.gov/water/wqsar/Antidegradation/index.html>.

Stakeholder-specific and general public informational teleconferences were held in April 2012. An open call line for additional questions was available on June 19, 2012. The teleconferences were held to educate interested parties on antidegradation issues and were not part of the workgroup meetings or a formal public comment process.

DEC presented information on antidegradation policy, implementation, and the workgroup process as part of the Alaska Forum on the Environment in Anchorage in 2013 and 2014. The presentations are available on the DEC Antidegradation website.

DEC Division of Water staff posted antidegradation implementation method regulations, for formal public comment on January 13, 2014. In February 2014, DEC held three informational meetings in Juneau, Anchorage and Fairbanks followed by public hearings. The department accepted comments throughout the 90-day public comment period that ended April 16, 2014.

What is DEC Doing Now?

Several issues were raised during the public comment period in 2014. As a result, DEC plans to host an additional meeting/workshop for tribal and local governments, permittees and the public and to issue a second public notice in 2015 to request additional clarifying comments on specific issues for the proposed regulations.

If you have questions on the proposed regulations or would like more information please contact Earl.Crapps@alaska.gov or go to the Division of Water Antidegradation web page at <http://dec.alaska.gov/water/wqsar/Antidegradation/index.html>.