



IMPROVING *and* PROTECTING ALASKA'S RESOURCES

WORKING *with* **THE**
ALASKA DEPARTMENT
OF ENVIRONMENTAL
CONSERVATION
DIVISION OF WATER



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ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION DIVISION OF WATER

Alaska is a state rich with natural resources. The Alaska Department of Environmental Conservation (DEC) is the state agency responsible for conserving, improving and protecting Alaska's natural resources and environment to enhance the health, safety, economic and social well-being of Alaskans. DEC accomplishes this by implementing a variety of programs within several different divisions.

DEC's Division of Water (Division) works to improve and protect Alaska's water quality. The Division's responsibilities include the following:

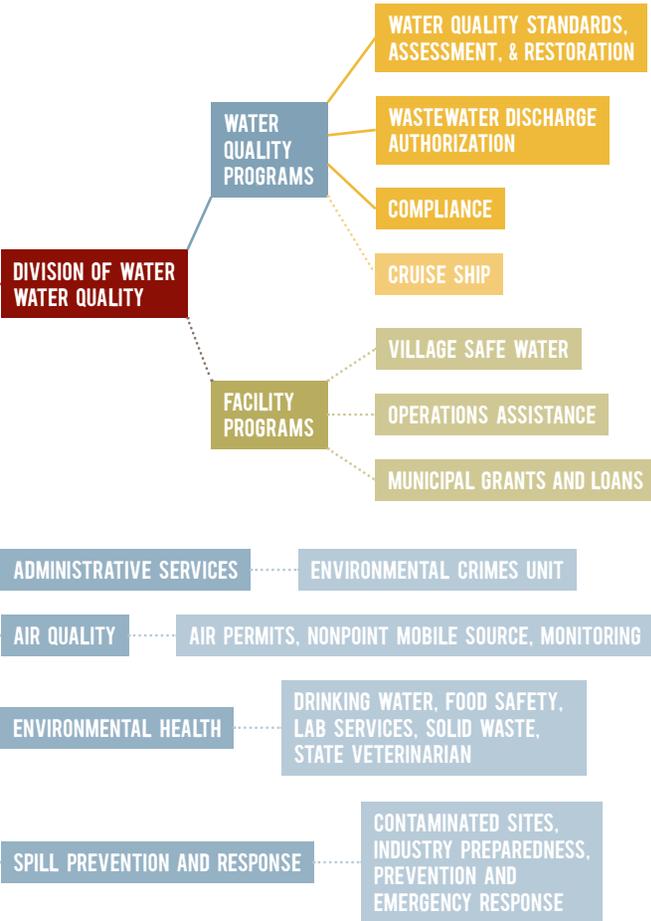
- establish water quality standards
- monitor and report on water quality
- restore polluted waters
- provide financial assistance for waterbody assessment and remediation
- regulate wastewater discharges to waters and wetlands
- monitor compliance and enforce violations
- provide financial assistance for water and wastewater facility construction
- train, certify and assist water and wastewater system operators

This booklet will help you understand the role of three of the Division's water quality programs: water quality standards, permitting and compliance. The booklet also provides information on how to become involved in the public process.

THE DIVISION WORKS TO IMPROVE AND PROTECT ALASKA'S WATER QUALITY.



DEPARTMENT OF ENVIRONMENTAL CONSERVATION



HISTORY

The Federal Water Pollution Control Act of 1948 was the first major U.S. law to address water pollution. Growing public awareness and concern for controlling water pollution led to sweeping amendments in 1972. As amended in 1972, the law became commonly known as the Clean Water Act (CWA). The CWA authorizes water quality standards for surface waters and establishes the basic structure for permitting and regulating discharges of pollutants into surface waters of the U.S. The authority for Alaska's water quality programs comes from the CWA and state laws.

THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION WORKS WITH OTHER STATE AND FEDERAL AGENCIES TO PROTECT ALASKA'S WATER.



WATER QUALITY STANDARDS

The CWA requires states to develop Water Quality Standards (WQS) at least as strict as those recommended by the EPA. WQS are subject to public input and review, and they must be approved by the EPA. The Water Quality Standards, Assessment, & Restoration (WQSAR) Program develops WQS that protect and improve the water quality of Alaska's waters.

WATER QUALITY STANDARDS INCLUDE:

- **DESIGNATED USES**

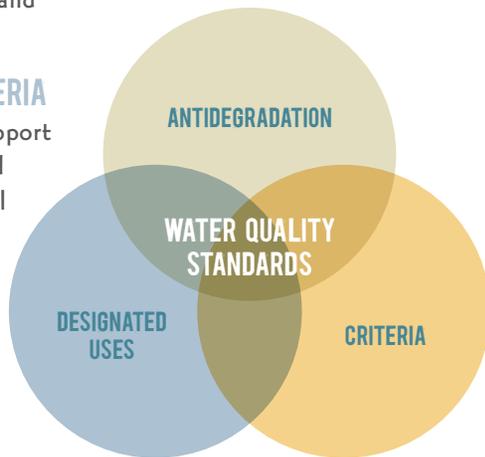
All waterbodies are designated for specific uses. Alaska's waterbodies are typically designated for all uses (drinking water, agriculture, recreation, growth and propagation of fish, and fish consumption).

- **WATER QUALITY CRITERIA**

Water quality criteria support a waterbody's designated uses by limiting potential pollutants to the waterbody. Criteria can either be numeric (e.g., 69mg/L zinc) or a narrative description (e.g., no objectionable odor).

- **ANTIDegradation**

Antidegradation is a process to determine if and to what extent discharges may lower the quality of Alaska's waters. This process only allows the lowering of water quality if it is necessary and important.



STATE STANDARDS ARE AT LEAST AS STRICT AS FEDERAL STANDARDS.



WATER QUALITY STANDARDS FLEXIBILITY

States can exercise flexibility in meeting the requirements of the CWA. If attaining a designated use of a waterbody is not possible, a state may remove or modify the use(s) listed for that waterbody. A state may also adopt site-specific criteria based on the characteristics of the waterbody and the aquatic species living there. Site-specific criteria apply only to a particular waterbody or waterbody segment. Any changes to the WQS must follow a regulatory process and are subject to public review, comment and the EPA's approval.

TRIENNIAL REVIEW OF WATER QUALITY STANDARDS

Every three years the WQSAR Program conducts a WQS prioritization process, called the Triennial Review, to ensure the WQS are up-to-date with the latest science, technology, policy and guidance. Your input during the public notice period is important. The program solicits public comment on potential WQS issues. The issues are prioritized based on comments received during the public notice period, as well as state and federal priorities. In addition, each proposed WQS revision requires a minimum 45-day public notice period and a public hearing.

NONPOINT SOURCE WATER PROTECTION AND RESTORATION

The WQSAR Program also protects and restores Alaska's watersheds that are threatened by nonpoint source water pollution. Nonpoint source is pollution that originates from multiple sources and not from a specific location, such as a pipe.

INTEGRATED REPORT

Every two years, the program prepares an Integrated Report that assesses the condition of Alaska's waters and identifies them as either impaired, in recovery or meeting WQS (i.e., recovered). To develop the report, the program issues a call for water quality data and subsequently asks for public comment on the draft report.

WE WORK TO PROTECT AND RESTORE ALASKA'S WATERBODIES.



IMPAIRED WATERS LIST

When a waterbody persistently exceeds WQS, it is placed on Alaska's impaired waters list.

TOTAL MAXIMUM DAILY LOADS OR WATERBODY RECOVERY PLANS

The CWA requires a state to develop a TMDL or other waterbody recovery plan for each water on the impaired waters list. A TMDL waterbody recovery plan is subject to public notice, comment and approval by the EPA.

ALASKA CLEAN WATER ACTIONS GRANTS

Alaska Clean Water Actions was established in 2002 to prioritize waterbodies for appropriate stewardship actions and to better coordinate resources and agency efforts to protect and restore these waterbodies. Grant applications are generally due in mid-February. Proposals should address stewardship, restoration or protection of Alaska's waters.

WASTEWATER DISCHARGE AUTHORIZATION PROGRAM

ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM

The National Pollutant Discharge Elimination System (NPDES) Permitting Program is established in Section 402 of the CWA. The CWA requires that pollutant discharges to surface waters be authorized by a permit. The EPA administered the NPDES Program in the State of Alaska until authority was transferred to the State through DEC's Alaska Pollutant Discharge Elimination System (APDES) Program from October 2008 to October 2012. The EPA still retains authority for permitting discharges from certain facilities (e.g., discharges located on Metlakatla Island, discharges three miles from shore and municipalities with waivers from meeting secondary treatment levels).

ALL WASTEWATER DISCHARGES REQUIRE A PERMIT.



PERMITTING WASTEWATER DISCHARGES

In order to discharge wastewater to Alaska's surface waters, an APDES permit is required. An APDES permit sets the limits and conditions under which a wastewater discharge is authorized, and it provides for monitoring, compliance and enforcement of permit conditions to ensure that permit limits are being met and that water quality is protected. The Wastewater Discharge Authorization Program (WDAP) develops permit limits using WQS and the best available and achievable wastewater treatment technologies.

DISCHARGES TO LAND OR SUBSURFACE

WDAP also issues permits for discharges to land. These include onsite septic systems and package plants that discharge to land.

WDAP ISSUES TWO TYPES OF PERMITS:

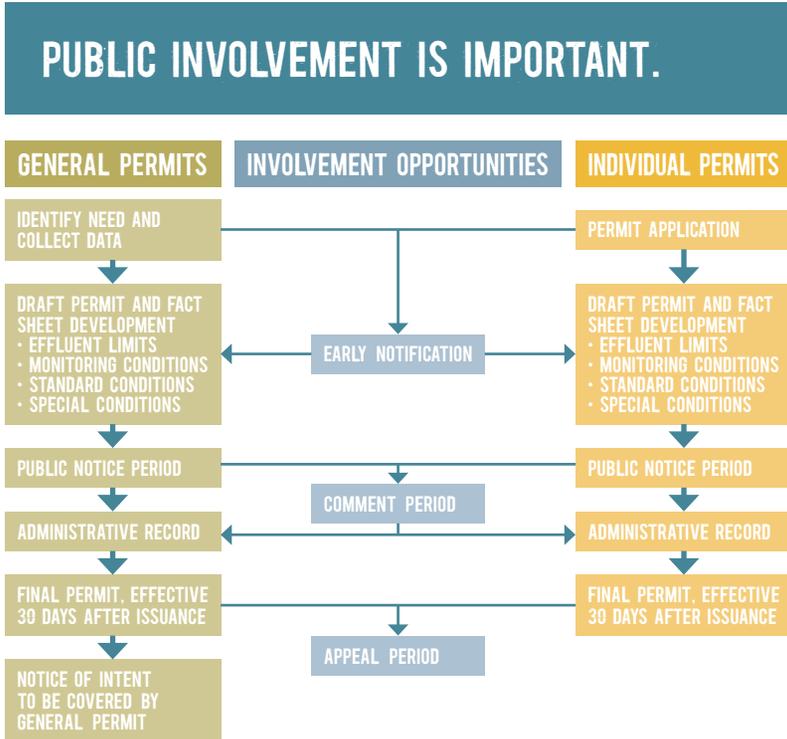
- **GENERAL PERMIT**
A general permit is a mechanism for WDAP to issue authorizations to multiple facilities with similar characteristics. For instance, many small sewage treatment facilities have the same discharge characteristics; therefore, WDAP can issue a general permit that is protective of all potential discharges and provide coverage to all qualified facilities.
- **INDIVIDUAL PERMIT**
An individual permit is tailored to a specific facility's discharge based on the type of activity, nature of the discharge and quality of the receiving waterbody. For instance, a large mine may have specific characteristics that would require an individual permit to address its uniqueness.

WASTEWATER DISCHARGE AUTHORIZATION PROGRAM

The process to develop and issue a wastewater discharge permit includes several opportunities for public review and input; however, the process differs based on the type of permit.

A general permit is developed after sufficient need has been identified by the Division. The general permit development process includes early notice for local and tribal governments and public notice during the development of the general permit. However, once a general permit is issued, qualified operators may discharge wastewater after submitting a complete Notice of Intent (NOI) and receiving authorization from the Division. The authorization does not typically include public notice.

An individual permit is developed after an application has been submitted and determined to be complete. The individual permit development process includes early notice for local and tribal governments and public notice for each permit.



PERMITTING PROCESS INVOLVEMENT OPPORTUNITIES

PERMIT ISSUANCE PLAN

WDAP annually publishes a Permit Issuance Plan (PIP) that identifies permits expected to be developed during the following two years. The PIP is provided to local and tribal governments and posted online. Interested parties can review the PIP to identify permits of particular interest and engage the Division early during the permit development process to provide input.

EARLY NOTIFICATION

At the start of the permit development process for each permit, early notice is provided to local and tribal governments who may be potentially affected by the proposed discharge. Early notice identifies the activity, the proposed discharge and its location, and describes opportunities to provide input on permit development.

PUBLIC NOTICE

A draft permit and supporting documentation are publicly noticed for a minimum 30-day public notice period. A public hearing or meeting may also be scheduled during the public notice period.

APPLICANT REVIEW PERIODS

Preliminary draft and proposed final permit documents are provided to the applicant for review and comment (10 and five days, respectively). These documents are also posted online for review only.

SUPPLEMENTAL TOOLS

A permit that is complex, controversial or of concern to local residents may warrant additional public involvement opportunities. The Program can develop a communication plan, provide additional notice and information or designate a project liaison for more complex permits. Interested parties may request informational meetings, workshops, hearings and extended comment periods.



EFFECTIVE INVOLVEMENT IN PERMITTING

The best time to get involved is early in the permitting process. Tools like the permit issuance plan and early notices are great tools to use to engage the Division. Concerns and information provided early in the process, prior to public notice, are more easily considered and potentially incorporated or addressed during permit development. Relevant studies, research or data; potential impacts to resources and people; traditional and local knowledge and concerns; and alternative considerations are particularly informative during permit development.

The public notice period is the time to correct incomplete or incorrect information; clarify characteristics of the proposed activity, facility or receiving waterbody; or reiterate other concerns. The Division makes necessary modifications to the permit based on comments received and compiles and formally responds to comments received during the public notice period.

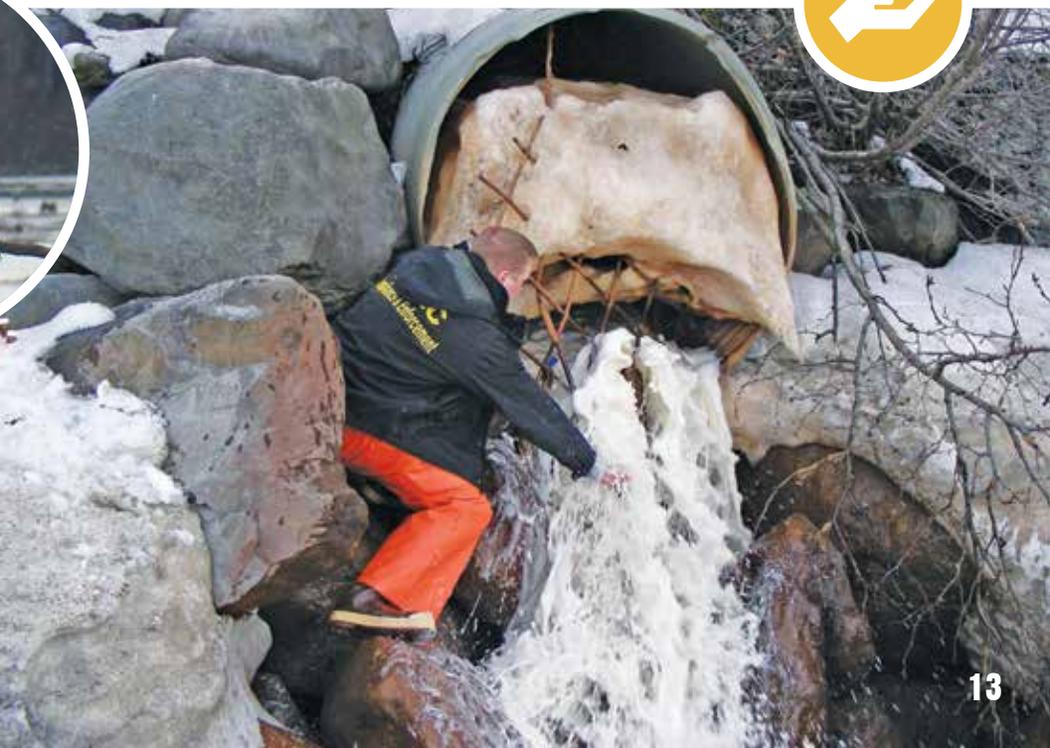
GET INVOLVED EARLY.



COMPLIANCE PROGRAM

The Compliance Program assures compliance with state water quality regulations and WDAP permit requirements. The Program uses a combination of approaches including compliance monitoring, compliance assistance, compliance incentives and enforcement.

The primary objective of the program is to resolve compliance issues quickly and at the lowest appropriate level in order to provide the maximum protection for the environment. Response to noncompliance escalates in proportion to the nature of the violation.



COMPLIANCE MONITORING

The Division's goal is to ensure that all facilities are in compliance at all times. The Compliance Program uses a variety of tools in order to compile, manage, track, review and report on the compliance status of permitted facilities.

PERMIT HOLDER RESPONSIBILITIES

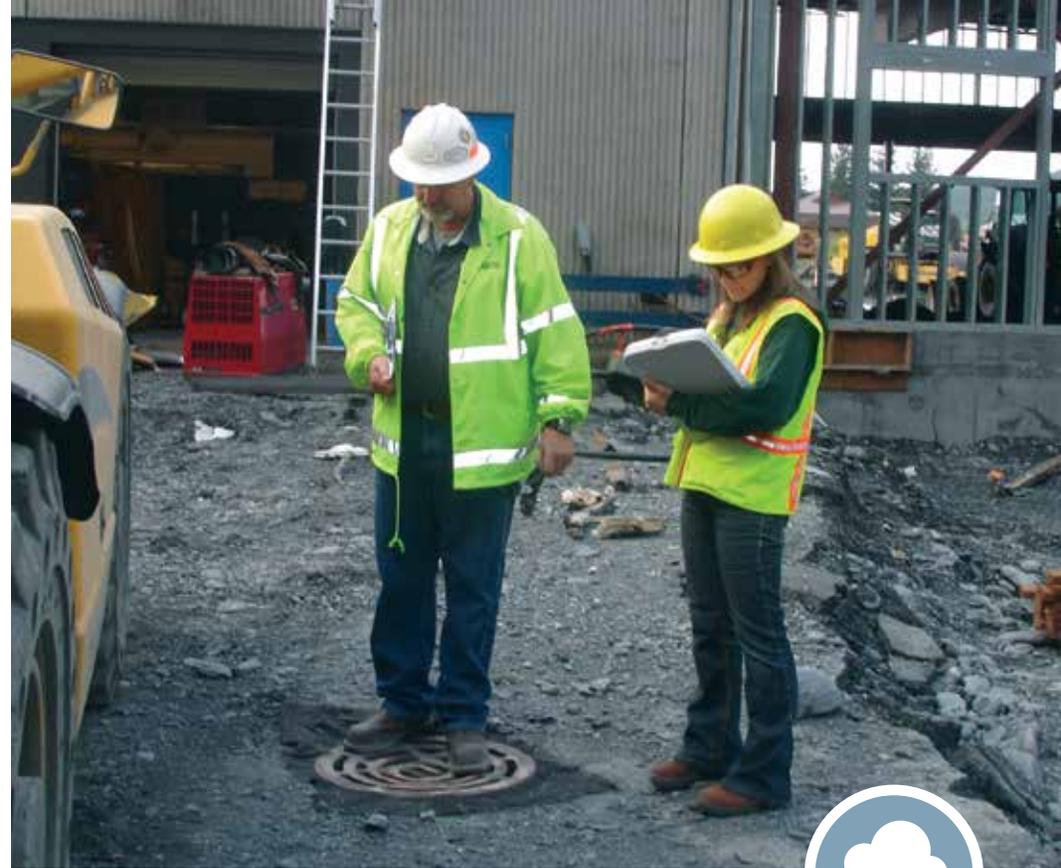
Permit holders are required to submit discharge monitoring reports and related compliance documents to the Division. The reports include information that shows the permit holder is meeting permit requirements. The program routinely reviews submitted discharge monitoring reports and related compliance documentation, facility files, and water quality and discharge data.

PROGRAM RESPONSIBILITIES

The Program develops an annual Inspection Schedule in cooperation with the EPA. Facilities are inspected in order to obtain records, verify results, or otherwise investigate compliance with permit limits, conditions and program requirements. Staff may also conduct inspections related to complaints or staff proximity to the area.

Compliance monitoring that identifies noncompliance may result in an enforcement action.

PERMIT HOLDERS MUST FOLLOW THE RULES.



COMPLIANCE ASSISTANCE

Compliance assistance is an activity that is designed to help a permittee achieve or maintain compliance with regulatory or permit requirements. Assistance can be a proactive tool used before noncompliance occurs. Compliance assistance can include workshops, advanced educational tools, webpages, newsletters and hands-on help from the Division. It is the Division's goal to help permittees meet the permit requirements and protect water quality.

COMPLIANCE INCENTIVES

The Division may provide compliance incentives before applying a more formal enforcement action. Providing incentives does not waive the Division's right to pursue formal enforcement as necessary.

ENFORCEMENT

ACCOUNTABILITY

The program's intent is to resolve violations quickly by identifying potential violations and notifying the responsible party. Each identified incident of noncompliance is subject to a potential enforcement action. An enforcement action typically escalates in response to the nature and severity of the violation; the pollutant's persistence, toxicity and environmental impact; risk to human health and the environment; and the permittee's history of noncompliance, timeliness and willingness to comply. Enforcement actions can range from administrative remedies to criminal charges.

COMPLAINTS

The public may file a complaint if violations of water quality or permit requirements are suspected. A complaint is filed by contacting program staff and may be filed anonymously. A complaint initiates an investigation that could result in an enforcement action. At the close of an investigation, the program will notify the complainant of the results, if requested.

WORKING TOGETHER

WHERE TO LOOK FOR EXISTING PERMITS AND COMPLIANCE INFORMATION

You can review the Division's wastewater discharge permits and supporting documentation by using the Water Permit Search tool on the Division's homepage. Searches can be conducted by facility, responsible party, permit number, zip code or city.

You can look for permit compliance and enforcement information using the Enforcement & Compliance History Online (ECHO) tool at www.epa.gov, the EPA's website. Searches can be conducted by facility, owner/operator, permit number, geographic location and compliance history status.

You can contact Compliance Program staff with questions or concerns about permit compliance or enforcement issues. In addition, the right to inspect records or information compiled for compliance and enforcement purposes, to the extent allowed by the Public Records Act, is found in Section 40.25.120 of Alaska Statutes.

WE INVESTIGATE COMPLAINTS.



HOW TO GET INVOLVED

WHERE TO LOOK FOR INPUT OPPORTUNITIES

Before adopting regulations and issuing permits, the Division seeks input from community members.

Public notices for the WQSAR Program can be found at <http://dec.alaska.gov/water/wqsar/index.htm>

Before a permit is developed, the Division posts a Permit Issuance Plan on the Division's website <http://dec.alaska.gov/water/wwdp/index.htm>

Information for tribes can be found at <http://dec.alaska.gov/water/TribalCommunication/tribes.html>

The public is notified about proposed permits through email. You can sign up to be on the email list at http://dec.alaska.gov/water/npdes/npdes_email_list.htm

You can notify the Division about potential noncompliance via the Internet or find other information related to compliance at <http://dec.alaska.gov/water/Compliance/index.html>

BE A PART OF THE PROCESS.



YOUR OPPORTUNITIES TO BE INVOLVED

The Division provides opportunities for you to be informed and involved through early notification or public notice periods. You can submit comments through fax, email, in person at hearings if they occur, mail or hand deliver them, but the comments must arrive before the comment period ends. The public notice provides you with information about where and when to submit comments, as well as the date, time and location for a public hearing.

TRADITIONAL KNOWLEDGE

If your ancestors grew up in your community or you have lived there for many years, you have an intimate connection with the area and may know things others do not. You may have a unique understanding of an area, environmental issue, custom or cultural use that the program staff may not be aware of. The Division values Traditional Knowledge from individuals and community members. Traditional Knowledge can help the Division make decisions that protect the community and its natural resources.

IMPROVING AND PROTECTING ALASKA'S WATER QUALITY

Before any major decisions are made about water quality and potential changes in water use, there is time for public comment. The Public Comment Period is a crucial step in the process. Gathering input, information and Traditional Knowledge allows the Division to make informed decisions.

Alaskans share the goal of conserving, improving and protecting the state's natural resources to enhance our health, safety, economic and social well-being. The Division's job is to make sure that Alaska's water quality is improved and protected.

TOGETHER, WE CAN IMPROVE AND PROTECT ALASKA'S WATER QUALITY.



ACRONYMS

APDES – Alaska Pollutant Discharge Elimination System

CWA – Clean Water Act

DEC – Department of Environmental Conservation

Division – Division of Water

ECHO – Enforcement and Compliance History Online

EPA – The U.S. Environmental Protection Agency

NOI – Notice of Intent

NPDES – National Pollutant Discharge Elimination System

PIP – Permit Issuance Plan

TMDL – Total Maximum Daily Load

WDAP – Wastewater Discharge Authorization Program

WQS – Water Quality Standards

WQSAR – Water Quality Standards, Assessment, & Restoration



**THE DIVISION OF WATER'S MISSION IS TO
IMPROVE AND PROTECT WATER QUALITY.**



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