

## **Alaska Antidegradation Workgroup, October 16-17, 2012 Summary of Meeting #6**

The following notes include comments to the Alaska Department of Environmental Conservation (ADEC) from the Alaska Antidegradation Workgroup. These comments were developed during the October 16-17, 2012 Workgroup meeting. ADEC is reviewing the comments and has made no decisions on the issues the comments address. Each issue discussed is listed below, along with the key questions and relevant discussion. Draft Workgroup recommendations are listed in the draft Workgroup report.

### **DAY ONE, October 16, 2012**

#### **Meeting #5 Summary Revisions**

See final Meeting #5 Summary on DEC's website at

[http://dec.alaska.gov/water/wqsar/Antidegradation/Workgroup\\_notebook.html](http://dec.alaska.gov/water/wqsar/Antidegradation/Workgroup_notebook.html).

#### **Discussion of Existing Uses Appendix**

**ACTION ITEM #1** – As recommended by the Workgroup, DEC will revise the Existing Uses appendix to provide more clarity. The final appendix will be noted as a DEC product and not one of the Workgroup.

#### **Public Comments on Day One Morning Discussion**

An attendee requested that the MS4 acronym/definition be corrected in the Meeting #5 Summary.

#### **Public Comment Section of Workgroup Report**

*Workgroup Member Questions/Comments:*

- Public comments received at Workgroup meetings should be summarized in the final Workgroup report. The report should include a hyperlink to the individual meeting summaries available on the DEC website.
- It should be made clear that the Public Comment section of the Workgroup report does not include any comments received by DEC during its antidegradation education/outreach activities conducted outside the Workgroup process.

**ACTION ITEM #2** – As recommended by the Workgroup, DEC will review the public comments received at all Workgroup meetings to ensure that all comments are captured in the public comment summary included in the Workgroup report.

#### **Edits to the Draft Workgroup Report, dated 10/10/2012**

Edits to the 10/10/2012 version of the Workgroup report were incorporated into the report at the meeting, with Workgroup member discussion and approval. See the revised Workgroup Report on DEC's website at [http://dec.alaska.gov/water/wqsar/Antidegradation/Workgroup\\_notebook.html](http://dec.alaska.gov/water/wqsar/Antidegradation/Workgroup_notebook.html).

**ACTION ITEM #3** – Tetra Tech and DEC will explore other states' public notice procedures for CWA Sec. 401 certification of CWA Sec. 404 permits.

### **Public Comments on Day One Afternoon Discussion**

Edits to the 10/10/2012 version of the Workgroup report that were recommended by members of the public were incorporated into the report after discussion among Workgroup members.

In addition, it was agreed that several definitions in the draft Workgroup report must be revised to match the definitions in the cited regulations.

An attendee at the meeting representing the Alaska Department of Transportation told the Workgroup that the Department does not wish to be involved in an ONRW nomination review board.

### **DAY TWO, October 17, 2012**

#### **Edits to the Draft Workgroup Report, dated 10/10/2012, continued**

##### *Workgroup Member Questions/Comments:*

- 18 AAC 70.015(a)(2)(D) should be moved to the new regulations to implement 18 AAC 70.015(a)(2)(A).
- Workgroup members discussed whether the alternatives analysis requirement opens the door for DEC to require compensatory mitigation for a discharge. Though the Workgroup agreed it does not, one Workgroup member noted that he would not support introducing compensatory mitigation as part of the antidegradation program.
- It should be noted that, for the purposes of the report, “waters” and “waterbodies” refer to surface waters in Alaska that are waters of the United States.

#### **Public Comments on Day Two Morning Discussion**

One member of the public commented that she has looked at the list of permits being issued by DEC and noted that additional general permits may be needed to provide an alternative to a *de minimis* exemption for antidegradation implementation.

#### **Edits to the Draft Workgroup Report, dated 10/10/2012, continued**

##### *Workgroup Member Questions/Comments:*

- The general consensus was that it makes sense to coordinate the ONRW nomination process with the triennial review or some other defined periodic cyclical regulatory process.

#### **Public Comments on Day Two Afternoon Discussion**

NONE

#### **Next Steps**

- DEC will send the final draft Workgroup report to the Workgroup for review by November 8.
- Workgroup members will review the final draft Workgroup report and provide comment by November 15.
- If necessary, a Workgroup teleconference will be held on November 19 to discuss and approve final edits to the Workgroup report.