



FACT SHEET

Antidegradation Policy Implementation

Why Is Antidegradation Policy Implementation a High Priority?

The federal Clean Water Act (CWA) requires states to develop an antidegradation policy and an implementation plan.

Background

In 1996, Alaska adopted its current antidegradation policy into the Water Quality Standards (18 AAC 70). The basic purpose of the antidegradation policy is to maintain and protect existing water quality. Many waterbodies have natural water quality that is better than the criteria set by the Water Quality Standards found in 18 AAC 70. In such cases, a wastewater discharge may meet water quality standards, but still cause some degradation of the water body. The antidegradation policy sets requirements that a discharge must meet to justify lowering the existing water quality.

The CWA requires that the implementation plan specify the procedures and criteria used to determine (1) when waters are degraded by discharges or nonpoint sources of pollution, (2) whether there are cost effective alternatives to a new or increased discharge, and (3) what social and economic benefit to the state would be necessary to justify any degradation. The plan must also have procedures for nomination and designation of Outstanding National Resource Waters (ONRW or “tier 3”), which allows special protections for these designated waterbodies.

What has DEC done so far?

Development of anti-degradation implementation procedures began under the 2007-2010 triennial review process. DEC contracted with Tetra Tech, Inc. to produce an October 6, 2008 report, titled “Evaluation of Options for Antidegradation Implementation Guidance.” The report presents Alaska’s antidegradation policy and how other States implement their policies. It describes the major elements of implementation guidance and includes options for Alaska’s implementation guidance. The report is available on the DEC website at http://dec.alaska.gov/water/wqsar/wqs/pdfs/Antidegradation_tetrattech_final.pdf

The Department hosted an anti-degradation conference in Anchorage in December 2009 that included presentations by attorneys; the Environmental Protection Agency; an environmental interest group; and other states that have significant

experience implementing antidegradation policies and in defending against legal challenges to their policies and implementation methods. Presentations from the conference and the final summary report can be found at

<http://www.dec.state.ak.us/water/wqsar/wqs/antidegconference.htm>

The Department has developed interim antidegradation implementation procedures to assist wastewater discharge permitting staff. It is posted on the web at

http://www.dec.state.ak.us/water/wqsar/Antidegradation/docs/Policy_Procedure_Interim_Antidegradation_Implementation_Methods.pdf

The Department will also plan to accept nominations for tier 3 waterbodies with the start of the next triennial review beginning in December 2011.

What are DEC's next steps?

The department will develop final implementation guidance that will provide specific information and procedures necessary to ensure the requirements of Alaska's antidegradation policy are met in a consistent and predictable fashion. This guidance will be developed in collaboration with other state and federal agencies, and public input. For details, see the Department's Antidegradation Final Implementing Procedures, Work Plan at

<http://www.dec.state.ak.us/water/wqsar/Antidegradation/docs/A-DWorkPlan.pdf>

Who is affected?

- Wastewater discharge permittees.
- Wastewater discharge permittees discharging to potential outstanding national resource waters in national and state parks and refuges.
- Waterbody users such as commercial, subsistence and sport fishing interests

For more information

For questions or comments see our website at

<http://www.dec.state.ak.us/water/wqsar/trireview/index.htm>

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