

## **ANTIBACKSLIDING**

18 AAC 83.480 requires that “interim effluent limitations, standards, or conditions must be at least as stringent as the final effluent limitations, standards, or conditions in the previous permit, unless the circumstances on which the previous permit was based have materially and substantially changed since the permit was issued, and the change in circumstances would cause for permit modification or revocation and reissuance under 18 AAC 83.135.” 18 AAC 83.480(c) also states that a permit may not be reissued “to contain an effluent limitation that is less stringent than required by effluent guidelines in effect at the time the permit is renewed or reissued.”

18 AAC 83.480(b) provides exceptions whereby a renewed, reissued, or modified permit may contain a less stringent effluent limitation than in the previous permit. These exceptions include technical mistakes or mistaken interpretation of law that were made in issuing the permit.

On the 2019 Notice of Intent, the permittee indicated that the type of receiving area was marine water, which was and is a technical error. Also, at that time, there was no available data for the Total Residual Chlorine (TRC), Manganese, and Arsenic, therefore end of pipe limits for marine water were assigned at that time. This was also a technical error as the Isatkoak Lagoon is a freshwater discharge, therefore a complete analysis was done on all pollutants of concern for this reissuance as is required . A more robust data set was collected in this permit cycle which allowed for a reasonable potential analysis to be performed on TRC, manganese, and arsenic, which indicated that they meet water quality criteria at the boundary of the proposed mixing zone, further justifying the parameter limit changes. For this authorization, the limits for Total Residual Chlorine, Arsenic, and Manganese will be Report only as allowed under 18 AAC 83.480 (b).