



Antidegradation Intro

Antidegradation Public Workshop

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Alaska Department of Environmental Conservation

Division of Water

Alaska Pollutant Discharge Elimination System

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Division of Water

Mission Statement:

- Improve and protect water quality

How?

- **Establishes standards for water cleanliness**
- **Regulates discharges to waters and wetlands**
- Provides financial assistance for water and wastewater facility construction and waterbody assessment and remediation
- Trains, certifies, and assists water and wastewater system operators
- Monitors and reports on water quality



Antidegradation

- “Antideg 101”
- History of Draft Regulations
- What we’re hoping to achieve with workshop





Antidegradation

- Your participation
 - DEC is seeking your input

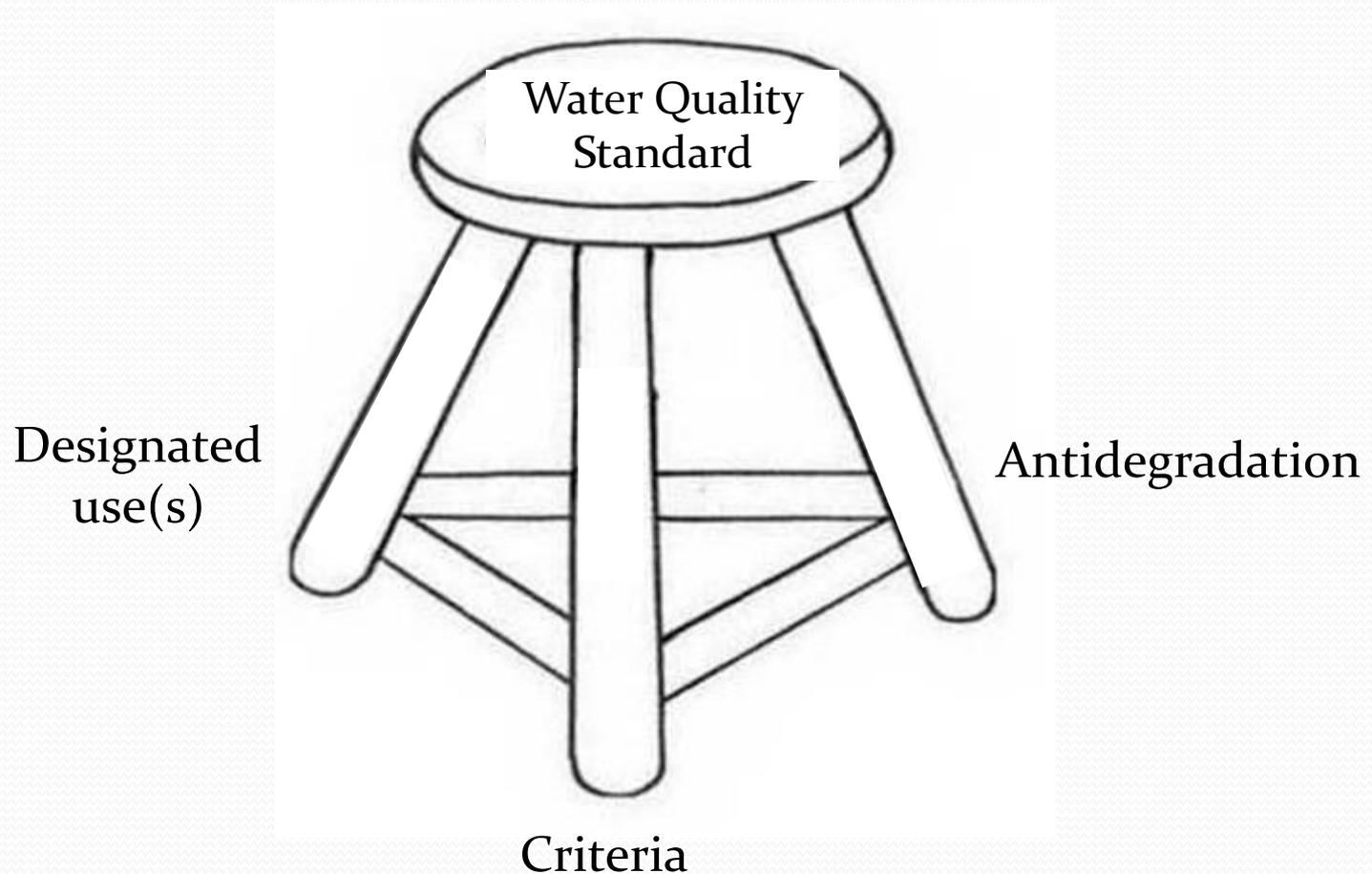


Clean Water Act

- Passed by U.S. Congress in 1972 to address water pollution issues
- Each state must develop Water Quality Standards



Clean Water Act and Water Quality Standards



Policy & Implementation Methods

- Clean Water Act – 40 CFR 131.12
 - Antidegradation Policy
 - Antidegradation Implementation Methods

What is Antidegradation?

Antidegradation:

A process for determining whether (if) and to what extent (how much) the quality of water can be lowered towards water quality criteria

How is Antidegradation Implemented?

Antidegradation Policy

Establishes 3 levels of protection:

- Tier 1 - Existing use protection
 - Quality is at or no better than criteria
 - Minimum level of protection for all water
- Tier 2 – High Quality Water
 - Quality is better than criteria
 - Fishable/swimmable and existing uses must be maintained
- Tier 3 – Outstanding National Resource Water (ONRW)
 - Water that is considered of exceptional significance
 - Highest level of protection

What Does Antidegradation Do?

Alaska Antidegradation Policy – 18 AAC 70.015

Only allows for the lowering of water quality (degradation) towards water quality criteria if you can ensure that...

- Existing uses and the water quality necessary are maintained and protected (Tier 1)
- Lowering of water quality in high quality water is necessary and is for important social or economic development (Tier 2)
- ONRW water quality is maintained and protected (Tier 3)

Antidegradation History

- Antidegradation Policy - 18 AAC 70.015, adopted in 1997
- Interim Implementation Procedures (2010)
- 2012 Antidegradation Work Group
- Draft Antidegradation Implementation Regulations public noticed on January 13, 2014

2012 Antidegradation Workgroup

- Role:
 - Advisory in nature and to inform regulation process
 - Representing a variety of interests
 - State agency representatives – DEC, DNR, DF&G
 - EPA Region 10 water quality standards staff
 - Industry and consulting
 - Others – e.g. NANA Corporation, Nature Conservancy
- Outcomes:
 - Minutes and products produced as a result of the meetings are publicly available via DEC website
 - January 24, 2013 Final Workgroup Report
 - http://dec.alaska.gov/water/wqsar/Antidegradation/anti_degworkshop.html

Progress to date

- DEC drafted regulations based in part on workgroup recommendations, DEC staff review, and EPA informal review and comments
- Draft Regulations were public noticed January 13, 2014
- Comment period included three hearings (Juneau, Anchorage, Fairbanks)
- Comment period closed April 16, 2014, 4:30 pm
- Comments were reviewed and the department's decision was to gather further input and consensus before proceeding to second public notice

Issues Raised

- Some concerns revealed during comment period include:
 - Antidegradation analysis and CWA § 401 certification of 404 permits
 - Alternatives analysis
 - *De minimis* – to have or not to have
 - Antidegradation analysis for general permits or general permit authorizations

Purpose of Workshop

- Go over issues raised during comment period
- Discussion
 - Should DEC make changes, and if so, how?
 - Suggest specific language changes
- This is not your last chance
 - May hold additional meetings, if necessary
 - Another public comment period

Want to get it right

- We want to get it right
- Next steps:
 - This workshop
 - After workshop, possibly modify regulations
 - Second public notice
 - Striving to complete regulatory process in 2015, but it will be close

Antidegradation Public Workshop 2015



Questions?
Thank you for your time!

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