



Topics for Discussion

Antidegradation Workshop

May 13 - 14, 2015

Alaska Department of Environmental Conservation
Division of Water
Water Quality Standards
Alaska Pollutant Discharge Elimination System



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



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Introduction

- Public response to first round of regulation publication raised questions
- The purpose of this presentation is to create a forum to discuss topics that generated public interest





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Tier 3 - Outstanding National Resource Waters

Alaska Department of Environmental
Conservation
Division of Water
Water Quality Standards, Assessment
and Restoration
Nancy Sonafrank



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What is a Tier 3 water?

Antidegradation Policy says:

- “high quality water”
- “outstanding national resource”
- “water of exceptional recreational or ecological significance”
- No Tier 3 waters have been designated in Alaska



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How are Tier 3 waters protected?

- Water quality must be “maintained and protected”
 - **no degradation allowed**
- Applicable water quality standard are
 - **baseline water quality levels at the time of designation**
- Discharges to Tier 3 water and tributaries
 - **temporary, short term and limited**
 - Existing discharges at time of designation
 - **No expansion of degradation**



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Who can nominate a Tier 3 water?

Proposed - Any Alaska resident

- Currently holding nominations until process is finalized



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Who can designate a Tier 3?

- **Implementation regulations still in development**
- Department of Law is questioning DEC's authority to include Tier 3 nomination requirements in regulation
- We are tussling with this question right now
- BIG question:
 - **Who makes the decision to designate a Tier 3?**
 - Significant effects on adjacent land uses
- There will be future opportunities for discussion



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Which waters are eligible for Tier 3 designation?

- Any water that meets
 - “Exceptional recreational or ecological significance” test
 - Not defined
 - Such as a national or state park or wildlife refuge



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What information supports a Tier 3 nomination?

Proposed 2014 regulations:

- Detailed description of the water
- Adjacent land ownership
- Recreational and/or ecological values that make the water exceptional
- Description of why existing protection is insufficient
- Water quality data or other technical data or records



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Additional information supporting Tier 3 designation

Proposed 2014 regulations:

- A description of stakeholder and community outreach and support for the nomination
- Economic or social information including
 - Natural resources,
 - Special land designations,
 - Transportation corridors
 - Subsistence uses
- Any other supporting information



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What are the proposed steps for reviewing a Tier 3 nomination?

Proposed 2014 regulations

1. Completeness review - annual
2. Prioritization of complete nomination – every 3 years
3. Consultation with other agencies and land managers
4. Public notice high priority nominations
5. Evaluate nominations and issue report



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Where are we going with Tier 3?

- We know the Tier 3 process is important
- We want to get this right
- There will be future opportunities for discussion



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Questions?
Thank you for your time!

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No Action Proposed:

- Reconvening Antidegradation Workgroup
- Repeal of 18 70.015(a)(2)(D)
- Jurisdiction of waters/applicability of regulations
- Alaskan Native Tribal involvement and consultation process



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No Action Proposed (continued):

- Tier Protection Level – Clarification of required/acceptable documentation
- Tier 1 Data Submittal flexibility similar to Tier 2
- Tier 1 protection should apply only to the waterbody as a whole and is satisfied through compliance with existing water quality standards



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No Action Proposed (continued):

- Tier 1 – Mixing Zone Clarification - permitted discharge of a pollutant to a Tier 1 water that is impaired by that pollutant allowed/not allowed
- Exemption for emergency response actions be expanded to include cleanups, e.g. CERCLA, OPA



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No Action Proposed (continued):

- Additional exemption based on updated calculations of water quality-based effluent limits
- Specify NEPA, EA, EIS, etc. documents/ information allowed for antidegradation analysis
- Additional information requested by the department



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No Action Proposed (continued):

- Non-point sources subject to antidegradation
- All social and economic impacts, positive and negative, be required and evaluated as well as evaluating the importance of maintaining (not-degrading) existing water quality



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No Action Proposed (continued):

- Alternative analysis on a “portion of a discharge” (expanded discharge)
- Sufficient and Credible criteria
- Baseline Water Quality Data – more technical description and less/more flexibility in data requirements



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Questions on the issues in the draft Antidegradation regulations that ADEC is not proposing to address further?



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Quick Fix Issues:

- Actions or Discharges
- Pollutant or Parameter
- Definition of Pollutant



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Quick Fix Issues (continued):

- Assimilative capacity as an importance criteria
- Major retrofit language
- Alternatives not directly tied to discharge language
- Tier 3 “offsets”

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Questions on the proposed antidegradation
regulations revisions that ADEC will address as
presented?

Suggestions?

The Division of Water is always interested in improving our process!



Questions?
Thank you for your time!