



Division of Water

Alaska Pollutant Discharge
Elimination System Permitting
(APDES) and Anadromous Waters

House Fisheries Committee
February 8, 2018



Division of Water Mission

Improve and Protect Water Quality

How?

- Establishes standards for water cleanliness
- **Regulates discharges to waters, wetlands and subsurface**
- 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



National Pollutant Discharge Elimination System (NPDES) Framework

- Clean Water Act & Amendments
 - Established the NPDES Program (Section 402)
 - Point sources of wastewater discharging pollutants into waters of the United States require a NPDES permit
 - Authorization of State Programs





Primacy Transfer and APDES Framework

- The State's program is called the APDES Program, which started on October 2008
- Statutory authority is provided in Alaska Statute 46.03
- Implementing regulations are provided in 18 AAC 83

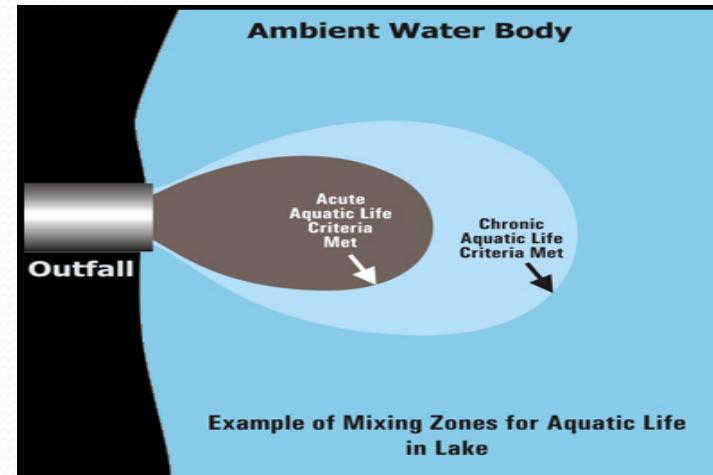


APDES Permit Development Process

- Receive complete application for permit
- Evaluate proposed wastewater discharge and receiving waterbody characteristics
 - Is the wastewater potentially toxic and will it require advanced treatment?
 - Are there sensitive species in the waterbody that require protection?
 - For freshwater discharges, review Fish and Game's (ADF&G) Anadromous Waters Catalog to determine if the waterbody is listed
 - Consult with ADF&G and applicant on spawning determination if discharge is to an anadromous waterbody

Fish Spawning Determination - Impacts

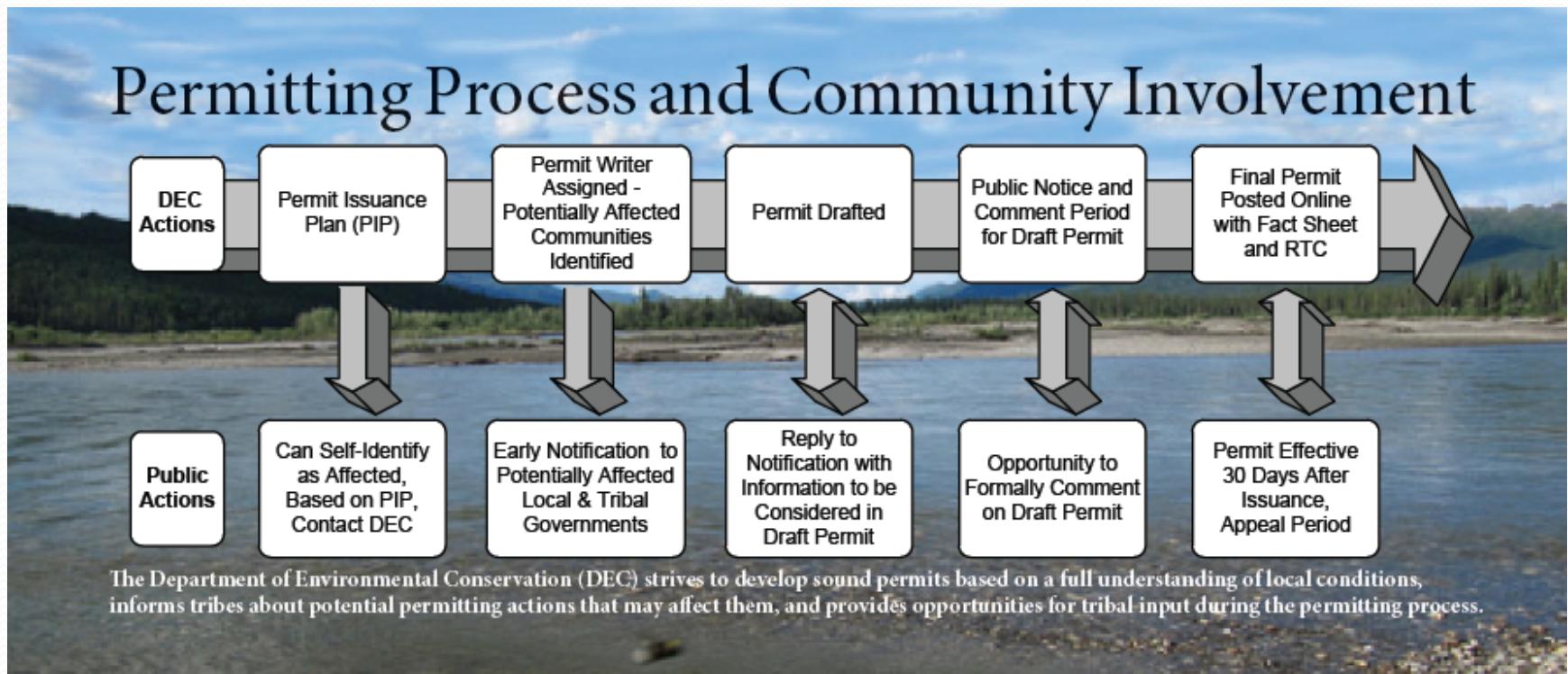
- Discharge is not eligible for a mixing zone per Alaska water quality standards
 - Mixing zone is a limited area in the waterbody where wastewater is allowed to mix with the ambient water before meeting water quality criteria
- State water quality criteria must be met at end of pipe



Permit Document Reviews

- Preliminary draft permit documents are shared with the permittee and state and federal agencies for a 10-day review period.
- Draft permit documents are public noticed for a minimum of 30-days. Major permits are public noticed in a newspaper of local circulation.
- Public meetings and hearings by request.
- Proposed final permit documents are shared with the permittee and state and federal agencies for a 5-day review period prior to issuance.

Summary of Permitting Process



Permit Issuance and Administrative Appeal

- Permit issued for a term not to exceed five years.
- Upon issuance, there is a 20-day informal administrative appeal period and a 30-day administrative appeal period.
- After 30 days, any appeal must be lodged in Superior Court.

Compliance with Permits

- During the permit term, DEC inspectors will visit the sites to complete inspections
- Permittees are also required to notify DEC within 24-hours of a non-compliance event that potentially threatens public health or the environment

Questions?

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