



DEC Statutory Authority

Senate State Affairs Committee

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Alaska Water Quality Standards (WQS)

- Protect public health and the environment through:
 - Designation and protection of water uses, such as growth and propagation of aquatic life;
 - Establishing acceptable levels of pollutants (known as water quality criteria); and
 - Enhanced review for high quality waters
- Set through a public process with review by EPA
- EPA leads consultation on endangered species, Magnuson-Stevens Act, and with tribes
- Used to prevent polluted water, identify polluted waters, and recognize clean water
- Identified at 18 AAC 70



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 wastewater discharge program under the Clean Water Act is called the Alaska Pollutant Discharge Elimination System (APDES) Program
- Statutory authority is provided in Alaska Statute 46.03
- Implementing regulations are provided in 18 AAC 83





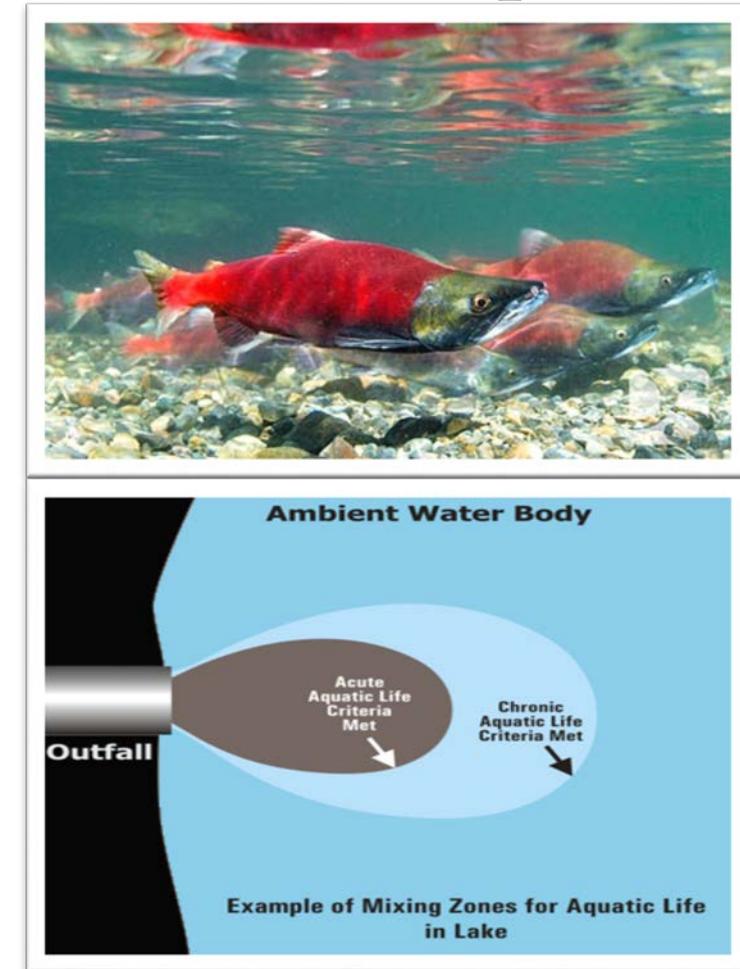
APDES Permit Development Process

- Receive complete permit application
- Evaluate potential impacts to receiving water quality from the proposed wastewater discharge
 - Consider pollutants, flow, seasonality, and fish presence
 - For discharges to freshwater, 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

- In fish spawning areas, wastewater discharge not eligible for 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
- Without a mixing zone, State water quality criteria must be met at end of discharge pipe





Standard Provisions in an APDES Permit

- Permit is a legal document like a contract
- Limitations (numeric and narrative) on discharge
- Best management practices or operational plans
- Monitoring and record keeping requirements
- Reporting under penalty of perjury
- Standard conditions
 - Duty to comply
 - Duty to allow DEC on-site for inspections



APDES Permit Document Reviews

- Preliminary draft permit shared with permittee and state & federal agencies for 10-day review period
- Draft permit and supporting 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 may occur
- Proposed final permit shared with permittee and state & federal agencies for 5-day review prior to issuance



APDES Permit Issuance and Administrative Appeal

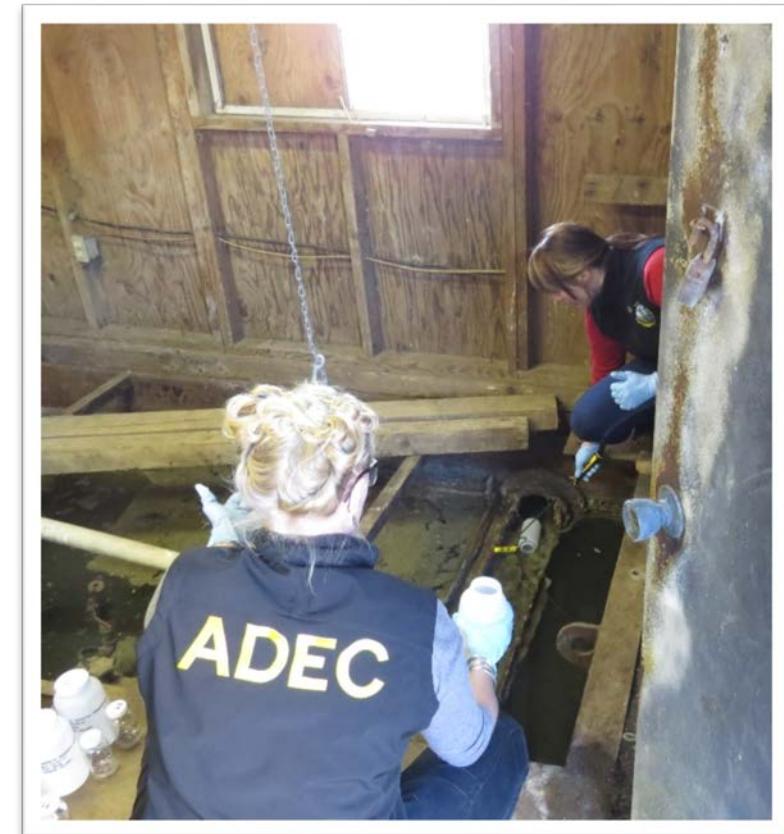
- Wastewater discharge permit issued for a term up to five years
- Upon issuance, permits may be administratively or judicially appealed





Compliance with APDES Permits

- During the permit term, DEC will periodically
 - Inspect the treatment facility and discharge site
 - Review on-site records and submitted monitoring reports
- Permittees are required to timely notify DEC of non-compliance events that potentially threatens public health or the environment
- DEC can reopen, modify or terminate a permit





Fiscal Impacts to DEC Relating to the Potential Passage of 17FSH2

- Rebuttable presumption that all waters in Alaska are anadromous, and therefore no mixing zone per State WQS
- DEC statutorily required to review all existing permits with mixing zones in freshwater
- For new systems ,or at renewal for existing, would need to meet water quality standards at the end of discharge pipe
 - Increased complexity for engineering plan review
 - More stringent permit limits
- Cost statement includes a new permit writer and engineer