



# Department of Environmental Conservation

Senate Resources Committee  
Commissioner Larry Hartig

February 6, 2017



# Agenda



- Overview of DEC Primacy Programs
- Regulations Overview
- New Federal Administration/Congress
- Status Report on Specific Topics



# Overview of DEC Primacy Programs



- Air Permits
- Wastewater Permits (APDES)
- Public Drinking Water Systems
- Pesticide Applications



## DEC Primacy Programs – Air Quality and Wastewater Permits



- How long has Alaska had primacy?
  - Air - early 1970s
  - Wastewater - 2008
- What is the benefit to Alaska?
  - Improved level of service over EPA
  - Added discretion/flexibility
  - Program experts reside and work in state
- Primacy programs include permitting as well as other activities
  - Compliance, monitoring, standards, plans
  - Overall program funding is a mix of permit fees, federal grant/GF match, and GF.



# DEC Primacy Programs – Air Quality and Wastewater Permits

- Permit Performance Update
  - Air permit program received 70 new permit applications and issued 83 major and minor permits (reduced backlog) in 2016
  - In FY2016, 85<sup>0</sup>% of wastewater dischargers had current permits.
  - Program efficiencies – Lean exercises
    - Air minor permit process reduced the median time for permits to go from application to public notice by 35% (from 63 days to 40 days)
    - Water permit program is preparing for a Lean exercise on general permit process



# Regulations Overview

- Regulations need periodic review and update to remain current
  - Changes in state statutes and federal requirements (to maintain primacy, e.g.)
  - Fee updates per statute
  - Clarifications and streamlining processes
  - Latest science, standards, and practices
- DEC follows a lengthy, standardized process when developing regulation proposals that includes:
  - Consideration of options and alternatives
  - Evaluation for sound science
  - Evaluation of cost impacts
  - Sound public review process and consideration of public comments
  - Legal review



# New Federal Administration/Congress

- Cooperative Federalism
- Recent federal rules may be revisited by Congress or the Administration
  - Waters of the U.S.
  - Clean Power Plan
  - Stream Protection Rule
  - Oil & Gas Methane Rules for New and Modified Oil and Gas Operations
  - BLM Methane and Waste Prevention Rule
  - CERCLA 108(b) Financial Assurances for Mines



# New Federal Administration/Congress

- Wetlands
  - Status of Alaska 404 (dredge and fill permits) primacy effort
  - National efforts to look at “Assumable Waters”
  - Continue discussions on mitigation and offsets





# New Federal Administration/Congress: Vessel Incidental Discharge Act

- Federal legislation (S. 168)
- National approach to regulating ballast water and incidental discharges
- Key considerations:
  - Risk of Invasive species/ballast water exchange
  - Risk of pollutants being introduced into state waters
  - Adequacy of BMPs and federal oversight
  - Preempting state programs





# Status Report on Specific Topics





# Coal-related Issues

- Federal environmental regulations
  - Clean Power Plan
  - Fairbanks PM<sub>2.5</sub> – Best Available Control Technology
- DEC permits coal projects and infrastructure
  - Healy Mine
  - Wishbone Hill Project
  - Chuitna Project
  - Jumbo Dome Project
  - Seward Coal Terminal
  - Interior Coal-fired Power Plants



# Tier 3 Waters

- Alaska is currently developing the process for the nomination and designation of Tier 3 Waters
- SB163 and HB283 were introduced during the 2016 legislative session and, based on public feedback, Governor Walker requested more time to dialogue with Tribes and stakeholders
- Legislative Lunch & Learn planned for March
- Public workshops planned for March



# Questions?

