

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?
 - o 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% 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



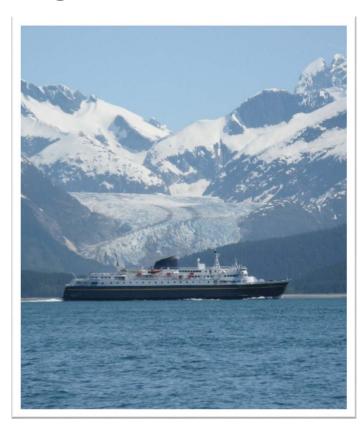
New Federal Administration/Congress

- 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 PM2.5 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?

