

# Alaska Department of Environmental Conservation

## Outstanding National Resource Waters

### Frequently Asked Questions



#### What is an Outstanding National Resource Water (ONRW), or Tier 3 water?

An ONRW or Tier 3 water is currently described in both Federal<sup>1</sup> and State of Alaska<sup>2</sup> regulations. ONRWs are provided the highest level of protection under the antidegradation policy of the State of Alaska, which is required by the Clean Water Act. The purpose of an ONRW designation is to offer special protection for waters of "exceptional recreational or ecological significance."<sup>1</sup> ONRWs are often regarded as the highest quality waters of a state, though that is not a prerequisite characteristic.

#### What are the effects of an ONRW designation?

The quality of an ONRW must be maintained and protected (no lowering of existing water quality). No new or increased discharges to an ONRW or its tributaries are permitted if the discharges would result in lowering of water quality in the water (i.e., cause degradation). There are exceptions to allow activities that result only in a temporary, short-term, and limited change in the water quality of an ONRW; for example, for construction activities.

#### What type of discharges would not be allowed if there was an ONRW designation?

In general, discharges that could normally be permitted and comply with Alaska's water quality standards would not be permitted into an ONRW. No new or increased permitted discharges under 18 AAC 83 Alaska Pollutant Discharge Elimination System (APDES) would be authorized, such as: municipal storm water runoff, domestic wastewater (i.e., treated sewage) discharges, seafood processing facility discharges, and any wastewater discharges from industrial operations such as mining projects. An ONRW designation would not impact normal activities not currently regulated by the state, such as incidental boat travel that would not cause significant degradation to the water.

#### How are land-use activities affected by an ONRW designation?

Projects that result in a long term lowering of ONRW water quality, through a permitted discharge or other activity, would not be allowable. There are potential long-term, if not permanent, adjacent and upstream land-use consequences to designating ONRWs, if alternatives to discharge are not practicable.

#### How are ONRWs designated?

Currently there is no administrative process to designate ONRW water. The legislative process, however, is available to consider Tier 3 designation requests from the public or others. Tier 3 designations may be made by legislation that is enacted into law.

#### Should DEC designate ONRWs?

DEC already has tools for protecting water quality: Water quality standards, effluent limits in permits, methods for identifying and cleaning up impaired waters. An ONRW designation bypasses all of those tools. Given the far-reaching consequences of an ONRW designation, the final authority should rest with the Legislature. The Legislature already has the authority to make other types of

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<sup>1</sup> 40 CFR 131.12(a)(3)

<sup>2</sup> 18 AAC 70.015(a)(3)

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land use designations, including designation of state parks, marine protected areas, or special management areas.

#### Who can nominate or propose an ONRW?

Currently, anyone may nominate a water for ONRW designation.

#### What Alaska waters are currently designated as ONRWs?

Currently, there are no designated ONRWs in Alaska.

#### What waters in Alaska have been nominated for ONRW designation?

The Chilkat River, Kaktuli River, Chandalar River, Draanjik River, and the Yakutat Forelands have been nominated for ONRW designation.

#### What are the processes used by other states to designate ONRWs?

The process for ONRW designation is left to the states to define. Methods used by other states range from legislative designation, to designation by a board or commission, to designation by a state agency.

#### What are examples of ONRW designations in other states?

Examples from other states include waters that are part of national or state parks, wildlife refuge or wilderness areas, special trout waters, federal Wild and Scenic Rivers or other unique waters. States including Washington, Idaho, and Nevada have not designated any ONRWs; Oregon has designated one; California has designated two; all waters in national parks are ONRWs in Montana; and Arizona has designated 22 waters as ONRWs.

#### What is “antidegradation?”

Alaska adopted an antidegradation policy in 1997. Antidegradation is a tool used to protect the water quality in the State of Alaska, determining whether and to what extent water quality may be lowered. The federal Clean Water Act requires states to have an antidegradation policy and implementation methods that:

- Protect existing uses
- Authorize the lowering of water quality in high quality waters, where necessary for social or economic importance
- Provide a mechanism to provide additional protection for water of exceptional ecological or recreational significance (ONRWs)

For more information on Alaska’s antidegradation policy, visit:

<http://dec.alaska.gov/water/water-quality/standards/antidegradation/>