

From: [Achee, Laura A \(DEC\)](#)
To: [Achee, Laura A \(DEC\)](#)
Subject: FW: answer to the question - can you undesignate a water?
Date: Friday, April 5, 2019 12:04:33 PM

From: Beckwith, William [<mailto:Beckwith.William@epa.gov>]
Sent: Friday, January 29, 2016 2:07 PM
To: Crapps, Earl L (DEC) <earl.crapps@alaska.gov>
Subject: FW: answer to the question - can you undesignate a water?

FYI

From: Beckwith, William
Sent: Friday, January 29, 2016 2:16 PM
To: 'Hale, Michelle M (DEC)' <michelle.hale@alaska.gov>
Cc: Chung, Angela <Chung.Angela@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>
Subject: RE: answer to the question - can you undesignate a water?

Hi Michelle – The following is the answer I gave to Earl last Friday by phone. My apology for not following-up with an email.

There is no federal requirement that a state assign ONRW protection to a water; and a state has discretion to remove ONRW protection from a water, if it chooses to do so consistent with state law, and the action is done consistent with the federal WQS rules for revising water quality standards (including public participation of course). Note that the federal WQS rules governing the revision of uses could apply if the ONRW designation was done in a way that carried with it designated uses in addition to the ONRW assignment.

Given the fundamental purpose of the federal ONRW provision, I suggest that any assignment of a water as an ONRW be done with a serious intent to follow through with ONRW protection, rather than with an expectation that a reversal would occur. I will have to check with HQ and the other Regions and follow-up on your question regarding whether any ONRWs have been reversed.

Please contact me if you have questions.

Thanks for sending the notice today that the Governor introduced Tier 3 legislation (SB 163). Will contact you if we have questions.

- Bill
206-553-2495

From: Hale, Michelle M (DEC) [<mailto:michelle.hale@alaska.gov>]
Sent: Friday, January 29, 2016 12:46 PM

To: Beckwith, William <Beckwith.William@epa.gov>

Cc: Chung, Angela <Chung.Angela@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>

Subject: answer to the question - can you undesignate a water?

Good morning, Bill,

As you can imagine, we could really use an answer to our question, Can a Tier 3 water designation be reversed. Follow-up questions include: If so,how? And Have any been reversed throughout the country?

Thanks.

- Michelle

Michelle Hale

Director, Division of Water

Alaska Department of Environmental Conservation

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