



# Tier 3 Designation

Impacting Community Development

# Starting Point

- The question raised by HB138 is whether the Legislature is best-suited to determine impact and value, and act in the best interests of Alaskans, and not whether Tier 3 designation has impact or value, or what those would be
- This review relates to the latter, but is perhaps outside the scope of this Committee's intent in consideration of the bill
- Attempt to refer to value and role of Legislative decision-making

# DEC's analysis

- If a water were to be designated by the state as a Tier 3 water, new or increased discharges that would lower or degrade the existing water quality would not be allowable unless they were temporary or limited.
  - This could include construction activities
- Water quality standards are not changed in a Tier 3 designated water, it is just that any further degradation of existing water quality is not allowed. Even if the degradation did not exceed water quality criteria, it would not be allowed unless it were temporary or limited.
- Under the current Department procedure, antidegradation reviews are initiated when a potential discharger submits a permit application for a new point-source discharge or to expand a current point-source discharge. The permitting procedure, including antidegradation analysis, would consider the Tier 3 water only when there is a final designation in place.
- An increase in pollutants would not be allowed.
- New or expanded discharges that would not be permitted into a designated Tier 3 water include municipal storm water runoff, domestic wastewater (i.e., treated sewage) discharges – require APDES permits
- Road plowing, salting, and sanding are regulated as part of a Municipal Separate Storm Sewer System (MS4) permits for larger communities such as Anchorage and Fairbanks. Tier 3 designation would directly impact other non-point source discharges only if they are regulated by the state in the future, which they aren't in the rest of the state.
- Land use projects that result in a long term lowering of Tier 3 water quality, through a discharge or other activity, would not be allowable.

# Roles of Municipalities \*

## Intersection with Water

- Water – 112 municipalities
  - Sewer and wastewater – 111 municipalities
  - Ports and Harbors – 72 municipalities
  - Landfills, solid and hazardous waste management – 109 municipalities
  - Road construction and maintenance – 108 municipalities
  - Flood control – 2 municipalities
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- Only 12 local governments have assumed none of these powers, or 7%
  - 93% of local governments would potentially be affected by Tier 3 designation

# Village Safe Water

COMMUNITY	SCOPE OF WORK	Type
<b>Aleknagik</b>	Piped water system to serve the North Shore West area, including a new community well, pump house, deep bury main, service connections, and modifications of in-house plumbing.	First Service
<b>Chefornak</b>	Completion of new sewage lagoon, lift station and force main, honey bucket dump site, water storage tank, watering points/pump stations, and washeteria.	First Service
<b>Emmonak</b>	New raw water source consisting of directionally drilled intake and well screen, new pump house and controls. New water treatment plant including package filtration process.	Upgrade
<b>False Pass</b>	Onsite wastewater systems for 8 homes.	Upgrade
<b>Huslia</b>	Individual wells, septic systems, and house plumbing for 10 unserved homes.	First Service
<b>Hydaburg</b>	Upgrades to South Main Street settling tanks and new sewage effluent station.	Upgrade
<b>Kasaan</b>	New sewage ocean outfall.	Upgrade
<b>Kivalina</b>	New modular washeteria and water treatment plant.	First Service
<b>Kokhanok</b>	New water treatment plant.	Upgrade
<b>Kotzebue</b>	New water treatment plant.	Upgrade
<b>Port Graham</b>	Replace existing sewage ocean outfall with a single new outfall and associated lift station, force main, and gravity sewer collection facilities.	Upgrade
<b>Teller</b>	New water treatment plant and washeteria including a water storage tank, wastewater treatment system, and a PER/ER.	First Service
<b>Venetie</b>	New water treatment plant and washeteria.	First Service
<b>Voznesenka</b>	Piped water service to 18 homes in the Falls Creek area; individual septic systems for 4 homes.	First Service
<b>Wales</b>	New water treatment plant and washeteria.	First Service
<b>Yakutat</b>	Design and construction to rehabilitate the Jensen, Cannery, Sunrise, and Old Village lift stations and relocate the elementary and high school lift stations.	Upgrade



# Village Safe Water

COMMUNITY	SCOPE OF WORK	Type
Akiachak	Completion of community piped water and sewer system, including service lines and plumbing for West Section and water and sewer mains, service lines, and house plumbing for East Section.	First Service
Bethel	Improvements to sewer lift station and wastewater lagoon.	Upgrade
Coffman Cove	Upgrades to the water treatment plant to replace obsolete equipment.	Upgrade
Eek	Community piped water and sewer system.	First Service
Hoonah	Improvements to bring the wastewater treatment plant into regulatory compliance, including a sequencing batch reactor with multiple reactors.	Upgrade
Hooper Bay	Community piped water and sewer system, including water treatment plant, sewage lagoon, vacuum sewer pump station, water and sewer mains and services, and house plumbing.	First Service
Kiana	Water and sewer mains and service connections to existing homes in Valley View Subdivision, including new sewage lift station.	First Service
Kobuk	Upgrades to water and sewer service lines and arctic boxes.	Upgrade
Lower Kalskag	Community Piped water and sewer system	First Service
McGrath	Water treatment plant renovations. Replace STEP septic tanks and lagoon aeration system.	Upgrade
Mtn. Village	New water storage tank and related infrastructure improvements to address long-term water shortage conditions in the village.	Upgrade
Nenana	Water treatment plant improvements including a new well and associated piping connections.	Upgrade
New Stuyahok	New modular water treatment plant.	Upgrade
Nikolaevsk	Water treatment plant improvements and mixer for water storage tank.	Upgrade
Ninilchik	Community watering point, piped water, and individual septic systems for old village town site.	First Service
Nunapitchuk	Water treatment plant, water storage tank, and washeteria and sewer lagoon improvements including the completion of a PER and ER. Development of new water well.	Upgrade
Saxman	Sewage lift stations and force main to allow connection to Mountain Point sewer system and eliminate ocean outfalls.	Upgrade
Shageluk	Gravity sewer system, water services and house plumbing.	First Service
Thorne Bay	Improvements necessary to bring both the water and wastewater treatment plants into full regulatory compliance.	Upgrade
Trapper Creek	Community well and watering point.	First Service
Tuluksak	Design and construction of a new sewer force main, lagoon, and water service and sewer service to core facilities.	First Service
Unalakleet	Facility improvements necessary to address failing raw water transmission line, including the drilling of test wells.	Upgrade

# Village Safe Water

COMMUNITY	SCOPE OF WORK	Type
Allakaket, Rampart, Ruby, and Venetie	PER and ER to evaluate the feasibility of serving homes in six Interior villages with individual wells and septic systems.	First Service
Ambler	PER and ER to evaluate means of protecting or relocating the North Loop water main	Upgrade
Bethel	PER and ER to assess problems affecting the Bethel Heights sewer collection system and evaluate alternatives for upgrading or replacing the system.	Upgrade
Chefornak	PER and ER to evaluate improvements to the existing honey bucket lagoon, including possible closure, if no longer needed.	First Service
Kasaan	PER and ER to evaluate improvements to the existing raw water source (dam), access road, a raw water pipe line.	Upgrade
Koliganek	PER and ER to evaluate improvements to the existing water treatment plant.	First Service
Mekoryuk, Napakiak, Napaskiak, Nightmute, Tuntutuliak, and Nunapitchuk	PER and ER to evaluate current condition of flush tank and haul systems in six Yukon Kuskokwim villages . Evaluate alternatives for upgrading or replacing the systems.	Upgrade
Pilot Station	PER and ER to conduct a helium lead detection survey of water mains Loop 1 and Loop 2. Alternatives for upgrading the loops will be evaluated.	Upgrade
Port Protection	PER and ER to evaluate alternatives to bring the water source and treatment system into regulatory compliance.	Upgrade
Saint Mary's	PER and ER to evaluate alternatives to upgrade or replace sections of the downtown water main and service lines.	Upgrade
Saint Paul	Per and ER to evaluate Sandy Lane and Ellerman lift stations and evaluate alternatives for upgrades or replacement.	Upgrade
Seldovia	PER and ER based on existing sewer study to identify recommended improvements to the sewer collection system.	Upgrade
Tetlin	PER and ER to evaluate alternatives for providing water and sewer service to ten homes.	First Service
Unalakleet	PER and ER to evaluate alternatives to upgrade sections of the water distribution main and service lines.	Upgrade
Upper Kalskag	PER and ER to evaluate condition and needed upgrades associated with community sewage lagoon, individual household wells.	Upgrade



# Current Nominations: Potentially Impacted Communities

- Chandalar River
  - Fort Yukon – water, landfill, solid waste (unorganized)
  - Venetie – unincorporated, unorganized
  - Beaver – unincorporated, unorganized
- Yakutat Forelands
  - City and Borough of Yakutat – sewer, water, landfill, ports/harbors, roads
- Chilkat River –
  - Haines Borough – sewer, piped water, ports/harbors, roads
  - Klukwan (unincorporated, unorganized)
- Kaktuli River
  - Newhalen – sewer, water, landfill, roads (Lake and Pen Borough – ports/harbors)
  - Nondalton – sewer, water, landfill, roads (Lake and Pen Borough – ports/harbors)
  - Iliamna – unincorporated, unorganized



# Justification for Legislative Approval

- Beyond Constitutional authority or responsibility...
- The majority of APDES permits are issued within an organized borough
- The unorganized borough, wherein the majority of current nominations are requested, is the obligation of the Legislature
- Clearly, there is extensive impact to local governments across the state, some but not all of which is regulated by DEC
- The Legislature is in a strong position to work with DEC to fully vet with public input any proposal designating a water of national significance
- Naming of National Waters by Legislature mirrors U.S. Congressional role in naming National Parks and other conservation units

# Justification for Legislative Approval

- The Legislature created the State's first parks in 1970 – this has grown to 120 park units across the State
- The Legislature created 13 marine parks in 1983
- Most recently (2008) the Legislature created the Fort Rousseau Causeway State Historical Park in Sitka
- The Legislature has the power and the responsibility to remove lands and waters from general use to conservation units, and has effectively wielded both in the last fifty years