HB

342

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 4/29/96 FURTHER:

DATE TURNED INTO OFFICE: 5-1-96

The Resources Committee considered CS FOR HOUSE BILL NO. 342(RES) am

Relating to water quality.

and recommends:

[ ] be replaced with SCS CS HB 342 (RES)

[ ] adopt previous ____ CS _____ (____)

[ ] attached amendment(s)

[ ] adopt Letter of Intent by _____ Committee

[ ] further referral to the _____ Committee

Senate Bill:
[ ] same title
[ ] new title

House Bill:
[ ] same title
[ ] technical title
[ ] new: SCR*_____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		Robin L. Taylor	✓		
		Rick Halford	✓		
			✓		
			✓		
CHAIR: Robin L. Taylor	X	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
SCS EC	4/24		FC

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

[ ] APPROPRIATION -- no fiscal note

*Includes fiscal notes accompanying Governor's bill

SENATE CS FOR CS FOR HOUSE BILL NO. 342(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered:
Referred:

Sponsored: REPRESENTATIVES ROKEBERG, Kelly, Ogan

A BILL

FOR AN ACT ENTITLED

"An Act relating to water quality."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. FINDINGS AND INTENT. The legislature confirms that it is the policy of the state to implement water quality laws based on scientific and technical evidence. The legislature specifically requests that state agencies possessing the necessary expertise to implement AS 46.03.085 - 46.03.087, enacted by sec. 2 of this Act, coordinate their efforts to enable cost efficiencies in adopting regulations that encourage the economic development of the state's natural resources consistent with the public interest.

* Sec. 2. AS 46.03 is amended by adding new sections to read:

Sec. 46.03.085. WATER QUALITY STANDARDS; MEASUREMENTS. (a) In adopting and applying water quality standards, the department

(1) shall ensure that the standards are sufficient to protect human health and propagation of fish and wildlife;

(2) shall consider the natural condition of bodies of water;

(3) shall use scientific justification and water quality criteria that can

New Text Underlined [DELETED TEXT BRACKETED]

be reliably measured; and

(4) may not require discharged water to be of a higher quality than the natural condition of the receiving water.

(b) Except when setting standards under AS 03.05.011(a) for shellfish growing areas, as defined in the national shellfish sanitation program manual of operations published by the Food and Drug Administration, and except as provided in AS 46.03.087, the department may not adopt a water quality standard or other regulation related to water quality that is more restrictive than applicable federal water quality criteria or regulations. Within 90 days after receiving a request to amend the state's water quality standards to incorporate a reduction in, or elimination of, federal water quality criteria, or by another date mutually agreed on by the applicant and the department, the department shall either propose regulations that amend the state's water quality standards to incorporate the reduction or elimination or follow the process required under AS 46.03.087(b). If, following the process under AS 46.03.087(b), the department is unable to make the written findings required under AS 46.03.087(b)(3), the department shall propose regulations that amend the state's water quality standards to incorporate the reduction in or elimination of the federal water quality criteria or regulations.

(c) Except as otherwise provided in AS 46.03.087, the measurement of constituents other than sediment to determine whether a permittee is in compliance with permit limitations based on water quality shall be by methods approved in writing by the United States Environmental Protection Agency or by substantially equivalent methods approved by the department.

(d) The measurement of sediment to determine whether a permittee is in compliance with permit limitations based on water quality shall be by the volumetric Imhoff cone method for settleable solids.

Sec. 46.03.087. SPECIAL PROCEDURES FOR CERTAIN WATER QUALITY REGULATIONS. (a) The department may, after following the procedures in this section, adopt a

(1) water quality standard or discharge standard that is more restrictive than applicable federal water quality criteria or discharge standards.

(2) water quality standard or discharge standard that is less restrictive or for which there is no corresponding federal water quality criteria or discharge standard; or

(3) regulation that allows the use of a method that is not substantially equivalent to methods approved by the United States Environmental Protection Agency for the measurement of constituents to determine whether a permittee is in compliance with permit limitations related to water quality.

(b) Before adopting a standard or regulation governed by (a) of this section, the department shall

(1) make available to the public, at convenient locations, copies of the proposal and the findings of the department that describe the basis for the proposal;

(2) consider the economic and technological feasibility of the proposal and prepare written findings; and

(3) find in writing, as applicable, that

(A) hydrologic conditions or discharge characteristics in the state or in an area of the state reasonably require the water quality standard, discharge standard, or method of measurement to protect human health and welfare or propagation of fish and wildlife; and

(B) hydrologic conditions or discharge characteristics are significantly different in the state or in an area of the state from those upon which the corresponding federal criteria or regulations are based.

* Sec. 3. TRANSITIONAL REVIEW OF REGULATIONS. (a) The Department of Environmental Conservation shall, during the triennial review process of regulations that is required under 33 U.S.C. 1313(c) (Clean Water Act), review its water quality regulations that are in effect on the effective date of this Act in order to determine if they comply with federal requirements and are not more stringent than applicable federal regulations. If the review indicates that there are state regulations that are more stringent than applicable federal regulations, the department shall determine whether it could justify those regulations under the requirements of AS 46.03.087(b)(3), enacted by sec. 2 of this Act. If the department determines that it cannot meet the requirements of AS 46.03.087(b)(3), the department shall adopt the necessary revisions to the regulations.

(b) The Department of Environmental Conservation shall, by January 31, 1998, and annually thereafter until all of the state water quality regulations in effect on the effective date of this Act are reviewed, offer in writing to orally brief the resources committees of the house and senate concerning the department's review and revisions required under (a) of this section.

FISCAL NOTE

STATE OF ALASKA

BILL NO. CSHB342(RES)

1996 LEGISLATIVE SESSION

Revision Date: April 26 1996

Title: An Act relating to Water Quality

Sponsor: Rep. Rokeberg

Requestor:

Department Affected: Environmental Conservation

BRU: Air & Water Quality

Component: Water Quality

COMPONENT SERIAL NO. 2062

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	60.0	60.0	40.0	40.0	40.0	40.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS,CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	**60.0**	**60.0**	**40.0**	**40.0**	**40.0**	**40.0**
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ( )	0.0	0.0	0.0	0.0	0.0	0.0
FUND SOURCE						
1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	60.0	60.0	40.0	40.0	40.0	40.0
1005 GF/Program Receipt	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTTA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	60.0	60.0	40.0	40.0	40.0	40.0

Estimate of any current year (FY96) cost: $ 0.0

POSITIONS						
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

See attached page.

Prepared by: Susan Braley/Lee Verrelli, Director

Phone: 465-5060

Division: Air & Water Quality

Date: 4/26/96

Approved by Commissioner:

Agency: Department of Environmental Conservation

Date: 4/26/96

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For further distribution information, call the Governor's Legislative Office

Attachment to Fiscal Note, CSHB 342(RES), 4/24/96

Sec. 46.03.085(c) would require that the department respond to a request for a change to the water quality standards by taking some action to propose new or revised regulations within 180 days, or another date mutually agreed on by the applicant and the department. The fiscal impact of this section is difficult to assess, given the unknown of what might be proposed and how flexible the applicant might be. This section represents a potential fiscal impact to the department, although some fiscal aspects of this section are already in workplan priorities for FY 97 (staff time on specific WQS issues, public notice costs for regulation changes). Potential contractual costs for third party expertise on the given issue or parameter are difficult to assess, without knowing what may be requested as a result of this bill. With a conservative estimate of 2 requests at 20.0K contractual per year, the total contractual cost for third party expertise would be $40.0.

Section 2 would require a full review of the state water quality regulations against the existing federal regulations, and subsequent action if the review found that the state regulations were stricter than the federal regulations and would then require going through the procedures under 46.03.087. Water Quality Standards staff are currently in the process of developing a numeric criteria table which I believe will meet the intent of part of this section, therefore no additional staff are required. Contractual services to provide potential needed third party expertise to justify recommendations on any regulations stricter than federal standards is estimated at $20.0K for the next two fiscal years.

The total cost estimates for a fiscal note, per section of CSHB 342(RES) include:

Section 1 46.03.085

Contractual	=	40.0 K

Section 2

Contractual	=	20.0 K

Alaska State Legislature

Session:
State Capitol
Juneau AK 99801-1182

Interim:
716 W 4th Avenue
Anchorage AK 99501-2133

MEMO

TO: Terri Lauterbach, Legal Counsel
Legal Services
via fax: X2029 this page only

FROM: Annette E. Kreitzer, Aide to
Senate Resources Committee

DATE: May 3, 1996

RE: CS HB 342 (RES)

Please prepare a FINAL Resources Committee Substitute for HB 342 with the following amendments to LS 1141\Z version.

1) Page 1, Line 13:
Following "and" DELETE **[MAINTAIN THE STATE'S AQUATIC PRODUCTIVITY]**
Insert: "propagation of fish and wildlife"

2) Page 3, Line 18:
Following "or" DELETE **[MAINTAIN THE STATE'S AQUATIC PRODUCTIVITY]**
Insert: "propagation of fish and wildlife"

No other changes, deliver to Cap. Room 115.

9-LS1141\Z
Lauterbach
5/3/96

SENATE CS FOR CS FOR HOUSE BILL NO. 342(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES ROKEBERG, Kelly, Ogan

A BILL

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(3) shall use scientific justification and water quality criteria that can

be reliably measured; and

(4) may not require discharged water to be of a higher quality than the natural condition of the receiving water.

(b) Except when setting standards under AS 03.05.011(a) for shellfish growing areas, as defined in the national shellfish sanitation program manual of operations published by the Food and Drug Administration, and except as provided in AS 46.03.087, the department may not adopt a water quality standard or other regulation related to water quality that is more restrictive than applicable federal water quality criteria or regulations. Within 90 days after receiving a request to amend the state's water quality standards to incorporate a reduction in, or elimination of, federal water quality criteria, or by another date mutually agreed on by the applicant and the department, the department shall either propose regulations that amend the state's water quality standards to incorporate the reduction or elimination or follow the process required under AS 46.03.087(b). If, following the process under AS 46.03.087(b), the department is unable to make the written findings required under AS 46.03.087(b)(3), the department shall propose regulations that amend the state's water quality standards to incorporate the reduction in or elimination of the federal water quality criteria or regulations.

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9-LS1141\W
Lauterbach
4/30/96

SENATE CS FOR CS FOR HOUSE BILL NO. 342( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES ROKEBERG, Kelly, Ogan

A BILL

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(d) In adopting and applying water quality standards, the department

(1) shall ensure that the standards are sufficient to protect human health and maintain the state's aquatic productivity;

(2) shall consider the natural condition of bodies of water;

(3) shall use scientific justifications and water quality criteria that can be reliably measured; and

(4) may not require discharged water to be of a higher quality, in a more restrictive use classification, or otherwise cleaner than the natural condition of the water into which the discharge is made.

Sec. 46.03.087 SPECIAL PROCEDURES FOR CERTAIN WATER QUALITY REGULATIONS. (a) The department may, after following the procedures in this section, adopt a

(1) water quality standard or discharge standard that is more restrictive

than applicable federal water quality criteria or discharge standards;

(2) water quality standard or discharge standard that is less restrictive or for which there is no corresponding federal water quality criteria or discharge standard; or

(3) regulation that allows the use of a method that is not substantially equivalent to methods approved by the United States Environmental Protection Agency for the measurement of constituents to determine whether a permittee is in compliance with permit limitations relating to water quality.

(b) In order to adopt a standard or regulation governed by (a) of this section, the department shall

(1) make available to the public, at convenient locations, copies of the proposed standard or regulation and the findings of the department that describe the basis for adoption;

(2) consider in writing the economic feasibility of the proposed standard or regulation; and

(3) find in writing, as applicable, that

(A) hydrologic conditions, discharge characteristics, or contaminated sea life consumption rates in the state or in an area of the state reasonably require the water quality standard, discharge standard, or method of measurement to protect human health and welfare or to maintain the state's aquatic productivity;

(B) the proposed standard, regulation, or method of measurement is technologically feasible; and

(C) hydrologic conditions, discharge characteristics, or contaminated sea life consumption rates are significantly different in the state or in an area of the state from those upon which the corresponding federal criteria or regulations are based.

(c) In this section, "contaminated sea life consumption rates" means the actual rates of consumption by humans of sea life contaminated with toxic substances, as determined by the department and confirmed by the Department of Fish and Game.

* Sec. 3. TRANSITIONAL REVIEW OF REGULATIONS. (a) The Department of

Environmental Conservation shall, during the triennial review process of regulations that is required under 33 U.S.C. 1313(c) (Clean Water Act), review its water quality regulations that are in effect on the effective date of this Act in order to determine if they comply with federal requirements and are not more stringent than applicable federal regulations. If the review indicates that there are state regulations that are more stringent than applicable federal regulations, the department shall determine whether it could justify those regulations under the requirements of AS 46.03.087(b)(3), enacted by sec. 2 of this Act. If the department determines that it cannot meet the requirements of AS 46.03.087(b)(3), the department shall adopt the necessary revisions to the regulations.

(b) The Department of Environmental Conservation shall, by January 31, 1998, and annually thereafter until all of the state water quality regulations in effect on the effective date of this Act are reviewed, offer in writing to orally brief the resources committees of the house and senate concerning the department's review and revisions required under (a) of this section.

not moved or adopted

AMENDMENT #____

OFFERED IN SENATE RESOURCES COMMITTE BY

TO: CSHB 394(RES)AM

Page3, Line 15, after "productivity":

INSERT: "however, the department may not adopt a discharge limit for arsenic that is more stringent than the maximum concentration level allowed for drinking water;

not moved Adopted

Amendment ____

(c) In this section, "contaminated sea life consumption rates" means the actual rate of consumption by humans of sea life reasonably assumed to be contaminated with toxic substances, as determined by the department and confirmed by the Department of Fish and Games, based on Alaska-specific data on factors affecting such assumptions, including exposure duration and bioavailability of toxic substances.

Alaska Oil and Gas Association

AOGA

121 W. Fireweed Lane, Suite 207
Anchorage, Alaska 99503-2035
Phone: (907)272-1481 Direct: (907)273-8487 Fax: (907)279-8114
Marilyn Crockett, Assistant Executive Director

May 1, 1996

HB342 - An Act Relating to Water Quality (Work Draft 9-LS1141\W, dated 4/30/96)

HB342 requires state water quality standards and regulations to be no more restrictive than federal requirements, unless circumstances warrant a more restrictive standard. In such cases, the state may adopt the more restrictive provision if it demonstrates that economics have been considered, that conditions within the state warrant a more restrictive standard or are different from those upon which the federal standard was based, and that the standard is technologically feasible. This "demonstration" process is fashioned after the process included in AS46.14 adopted by the Legislature in 1993 for the State's Title V Air Program, with the exception that the peer review provisions of the Air Program process were eliminated from HB342 at DEC's request.

There have been numerous amendments made to this bill to accommodate concerns of DEC that provisions of this bill could be very labor-intensive. For example, earlier versions required DEC to amend its regulations within 12 months of changes in the federal regulations. This version now requires DEC to take action pursuant to federal changes only when requested to do so by an individual. Further, earlier versions required DEC to review its current regulations within a set period of time (approximately one year) to identify inconsistencies between the state regulations and federal regulations and propose amendments for any inconsistencies. Work Draft W of the bill now simply requires DEC to take that action during the review EPA already requires DEC to do every three years. These changes should reduce the amount of effort required by DEC staff to comply with this statute.

The Alaska Oil and Gas Association has reviewed the subject work draft and agrees in concept with the provisions contained within this draft. Alaska should have reasonable, economically achievable, and scientifically-based state water quality standards which are no more stringent than federal standards unless, on a case by case basis, scientific evidence justifies more stringent requirements. As drafted in version W, this bill accomplishes those objectives.

Placer Miners of Alaska

P.O. Box 82245 • Fairbanks, Alaska 99708

The Honorable
Senator Loren Leman, Chair
Senate Resources Committee
State Capitol, Rm 113
Juneau, Alaska 99801

April 30, 1996

Dear Senator Leman,

I wish to offer the support of our membership for House Bill 342 "An Act relating to water quality." We are delighted that the Legislature is offering this bill, and urge its passage.

The only issue we would like to see **removed** from the bill is the language "**and maintain the state's aquatic productivity**" found in AS46.03.085(d)(1) and AS 46.03.087(b)(3)(A). We disagree strongly with the Department of Fish and Game's demands to include this language, and object to their backdoor efforts to create more yet stringent regulations and standards.

We strongly support the language in AS 46.03.085(b). The EPA has firmly established the use of the Imhoff cone for the measurement of the pollutant "sediment." Sediment may not seem like a "pollutant" to most of us, but it is the parameter being measured by the EPA to determine compliance. As long as sediment is measured in terms of settleable solids, via the Imhoff Cone, we can continue to provide jobs in Alaska.

Sincerely Yours,

John Korobko

John Korobko

MEMORANDUM

State of Alaska
Department of Fish and Game

To: Geron Bruce
Legislative Liaison

Date: March 15, 1996

File No:

Telephone Number: 459-7289
FAX Number: 456-3091

From: Robert F. McLean
Habitat and Restoration Division
Department of Fish and Game

Subject: CS HB 342

The following amendments to CS HB 342 (4/13/96 work draft) are proposed:

Section 1. AS 46.03.085(b). Amend as follows:

(b) Except as otherwise provided in AS 46.03.087, [T]the measurement of sediment to determine whether a permittee is in compliance with permit limitations based on water quality shall be by the volumetric Imhoff Cone method.

Justification: ADEC amended its water quality standards in 1995 to restrict the sediment criteria to settleable solids (Imhoff Cone method) except for the freshwater Aquatic Life sediment criteria. This standard also includes total suspended solids and stream substrate sediment accumulation criteria. Authority to regulate both criteria is necessary to minimize impacts on aquatic resources, in particular anadromous fish rearing and spawning areas. In addition, at a December 1995 Cabinet meeting, ADEC agreed to ADF&G's request for an evaluation of the need for a total suspended solids (TSS) criteria. This evaluation is scheduled for completion this year. Assuming that ADEC's evaluation supports inclusion of a TSS criteria, the proposed statutory amendment would bar its imposition as an effluent limitation.

The proposed amendment allows ADEC to retain or add a TSS or stream substrate sediment accumulation criteria subject to the written finding requirements of AS 46.03.087.

Section 1. AS 46.03.085(d). Amend as follows:

(d) In adopting and applying water quality standards, the department

(1) shall ensure that the standards are sufficient to protect human health, [AND] maintain [THE STATE'S] aquatic productivity, and protect the designated use(s) of a water body.

(2) shall consider reasonably available information on the natural conditions of bodies of water.

(3) shall use scientific justifications and water quality criteria that can be reliably measured; and

(4) when site specific information is reasonably known or available, may not require discharge water to be of a higher quality, in a more restrictive use classification, or otherwise cleaner than the natural condition of the water into which the discharge is made

Justification: The amendment to (d)(1) is necessary to ensure that aquatic productivity of individual water bodies, rather than the productivity of the state as a whole, is protected. The amendments to (d)(2) and 9d)94) are necessary to ensure that ADEC is only required to consider reasonably available natural background information (this could include information supplied by a permit applicant). Absent clarification, the statute could be construed as shifting the burden of proof to ADEC for determining site-specific water quality standards under 18 AAC 70.025. Shifting the burden of proof entails a large fiscal note and in many cases will cause unreasonable delays in permit issuance.

Section 1. AS 46.03.087(b)(4). Amend as follows

(4) find in writing, as applicable, that

(A) [HYDROLOGIC CONDITIONS OR DISCHARGE CHARACTERISTICS IN THE STATE OR IN AN AREA OF THE STATE REASONABLY REQUIRE] the water quality standard, discharge standard, or method of measurement is reasonably required to

(i) protect human health and welfare or the environment, or

(ii) address hydrologic conditions or discharge characteristics that are significantly different in the state or in an area of the state from those upon which the corresponding federal standard or regulation is based, and

(B) the proposed standard, regulation, or method of measurement is technologically feasible [, AND]

[(C) HYDROLOGIC CONDITIONS OR DISCHARGE CHARACTERISTICS ARE SIGNIFICANTLY DIFFERENT IN THE STATE OR IN AN AREA OF THE STATE FROM THOSE UPON WHICH THE CORRESPONDING FEDERAL STANDARD OR REGULATION IS BASED]

Justification: As currently drafted, adopting water quality standard or criteria for aquatic life requires a combined showing that human health or welfare is adversely affected, the standard or criteria is technologically feasible, AND that hydrologic conditions or discharge characteristics are significantly different from those used to develop a corresponding federal standard (assuming that there is one). Hence, we would be unable to adopt an aquatic life TSS or turbidity criteria unless we could demonstrate a

human health linkage. Secondarily, requiring a showing why hydrologic conditions or discharge characteristics are significantly different from those used to develop corresponding federal standards may preempt adoption of state standards where no equivalent federal standard exists. The presumption exists that a standard is not needed if the federal government, for various reasons, has not adopted a corresponding standard.

Case in point: The federal suspended sediment and turbidity standard is a narrative prohibition limiting reductions in the depth of compensation for photosynthetic activity to 10% or less of the seasonally established norm. This standard is impossible to implement in clear, shallow lakes, rivers, and streams - yet available literature clearly demonstrates reductions in fisheries production with increasing levels of suspended sediment and turbidity. It is difficult and costly for ADEC to establish reliably the seasonal norm in waters with high natural variability. The only reasonable, cost-effective options is to establish a separate state TSS or turbidity standard. To the extent that the required written finding requires ADEC's to conclusively demonstrate why state or local conditions or significantly different (e.g., demonstrate why EPA didn't adopt a numeric TSS or turbidity standard) or why a TSS or turbidity criteria is needed to protect human health (not aquatic life), it will impact ADEC's ability to adopt necessary standards for the protection of fish and wildlife.

State Government Affairs

Marathon Oil Company

P.O. Box 3128
Houston, TX 77253-3128
Telephone 713/296-3917
Fax 713/296-3994

April 30, 1996

The Honorable Loren Leman
Chairman, Senate Resources Committee
State Capitol
Juneau, AK 99801

Re: Water Quality Standards (HB 342)

Dear Senator Leman

Marathon Oil Company supports the goal of HB 342 whereby water quality standards regulated by the State are no more stringent than those imposed by the Federal Government. We recognize there may be limited situations in Alaska that warrant more stringent standards, but these should be scientifically based. As a member of the Alaska Oil and Gas Association, we also support their position on HB 342.

We will appreciate the Senate Resource Committee's support of this proposed legislation.

Sincerely,

Norma L. Calvert
Manager, Government Affairs

cc: Representative Norman Rokeburg

MAY 1 '96 14:46 FROM RDC FOR AK, INC. TO 19074653810 PAGE.001/001

★ 1975 Serving Alaska for 20 years 1995 ★

Resource Development Council for Alaska, Inc.

121 West Fireweed Lane, Suite 250, Anchorage, Alaska 99503-2035
Phone 907/276-0700 Fax 276-3887

May 1, 1996

Senator Loren Leman, Chair
Senate Resources Committee
State Capitol
Juneau, AK 99801-1182

Dear Senator Leman,

RDC supports CS for HB 342 (Resources), "an Act relating to water quality," which strengthens the Alaska mandate for economically-feasible and technologically-achievable state water quality standards.

Presently states are required to amend regulations to match federal regulations only when federal regulations become more restrictive. This is a one-way street. CS for HB 342 legislates a similar requirement to adjust state standards when federal changes result in less strict standards, or when federal mandates are deleted from law.

It should be understood that the State may still set stricter standards, but this legislation will encourage a pro-active response automatically and a review of such a decision. For those few cases where the State argues for a standard stricter than federally required, this bill also establishes a methodology for evaluating the merit of such an argument.

RDC supports CS for HB 342 for the additional provisions:

- An efficient "change mechanism" for agency response to consistency with federal regulations;

- A professional and definitive process for evaluating any conclusion which results in state standards being set stricter than federal requirements;

- An allowance for discharge waters to match the quality of the receiving waters strengthening DEC's resolve to use natural background levels as the standard when natural levels exceed the State standard, as is often the case in Alaska;

- Specifying EPA-approved measurements, in particular the volumetric Imhoff Cone method which strengthens the Department of Environmental Conservation's (DEC) current policy on settleable solids measurements.

RDC urges the Legislature to vote positively on this important bill in time to be successful this session.

Sincerely,

RESOURCE DEVELOPMENT COUNCIL
for Alaska, Inc.

Craig Lyon
Special Assistant

copies to RDC Board, AMA, AOGA and member communities

05/03/96 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150

12:32:03 PARTICIPANT LIST (ALL PARTICIPANTS) BY:ANC

TCN:60851 SCHEDULED FOR:05/03/96 12:30 TO 13:15 FOR:ANC

PUBLIC HEARING SENATE RESOURCES

LOCATION:ANCHORAGE

[illegible]382	MARILYN	CROCKETT	ANSWER ?S	OBSERVE

Official Business

COMMITTEE: SENATE RESOURCES

DATE: 5/1, 5/2, 5/3

SIGN-IN

Subject of meeting: HB 342 Water Quality Standards

PLEASE PRINT!

NAME	ADDRESS (MAILING) & (ZIP)	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?
Julie Penn	Box 22474 Juneau 99802	463-3366	AEL	yes
Janice Adair			DEC	yes

Official Business

COMMITTEE:
SENATE RESOURCES

DATE: 5/1/96

SIGN-IN

Subject of meeting:
HB 342 Water Quality

PLEASE PRINT!

NAME	ADDRESS (MAILING) & (ZIP)	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?
Bruce Campbell	Box 82245 Fbks, Ak 99708	456-4319		

ALASKA STATE LEGISLATURE
House of Representatives

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INTERIM
710 WEST 4TH AVENUE, SUITE 640
ANCHORAGE, AK 99501
PHONE (907) 258-8191
FAX (907) 258-2918

SESSION
STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE (907) 465-4968
FAX (907) 465-2040

Repr entative Norman Rokeberg

May 1, 1996

TO: Senator Loren Leman, Chair
Senate Resources

FROM: Representative Norman Rokeberg

SUBJECT: Changes to CSHB 343RES)am, contained in version/w dated 4/30/96

Page 1 Line 3, add a new section:

Section 1. FINDINGS AND INTENT. The legislature confirms that it is the policy of the state that to implement of water quality laws based on scientific and technical evidence. The legislature specifically requests that state agencies possessing the necessary expertise to implement AS 46.03.085 through AS 46.03.087 coordinate their efforts to enable cost efficiencies in promulgating regulations that encourage the economic development of the state's natural resources consistent with the public interest.

(The sponsor believes that by restating some of the Alaska's Constitutional language provides the tone and spirit for this bill.)

Page 2, Line 3, after "Within":

DELETE: "180" (The 180 change was made in House Floor Amend #5. DEC proposed in worksessions 90 days.)

INSERT: "90"

Page 2, Lines 7 and 11 after "incorporate":

DELETE: "the change" (This change is at the request of AOGA, they are not comfortable with the word "change". Since we have made provisions for promulgating more restrictive standards on page 2, line 26, AOGA believes it is not clear this section also covers reduction.)

INSERT: "a reduction in"

Page 2, Line 19, after "not.":

DELETE: ", when site-specific information is not known or reasonably available,"

(This change removes the language that was put in House Resources. DEC said this language would zero out the fiscal note but the fiscal note did not zero out.

Page 2, Line 28, after "discharge standard":

INSERT: "less restrictive or" (This is needed to allow DEC to have a procedure for establishing less restrictive standards, if lawful.)

Page 3, Lines 11 and 19, after "or":

DELETE: "sea life consumption rates" (This is needed for clarification.)

INSERT: " contaminated sea life consumption rates"

Page 3, Line 22:

INSERT: "(c) In this section, "contaminated sea life consumption rates" means the actual rates of consumption by humans of sea life contaminated with toxic substances, as determined by the department and confirmed by the Department of Fish and Gam."

Page 3, Line 23, after "shall,":

DELETE: "by August 1, 1997"

INSERT: "during the triennial review process of regulations that is required under 33 U.S.C. 1313(c) (Clean Water Act)"

(This change is to accommodate DEC in conducting the review of state regulations during the normal course of their review process which is sometimes a lengthy process.)

Page 3, Line 30:

DELETE: "propose" (This change was suggested by the Alaska Miner's Assn.)

INSERT: "adopt"

Page 3, Line 31, after "1998,":

INSERT: "and annually thereafter until all of the state water quality regulation in effect on the effective date of the Act are reviewed,"

(This change helps to clarify the timeline for DEC in reviewing existing regulations.)

Page 4, Line 2, after "and":

DELETE: "proposed"

CS FOR HOUSE BILL NO. 342(RES) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Amended: 4/24/96
Offered: 4/19/96

Sponsor(s): REPRESENTATIVES ROKEBERG, Kelly, Ogan

A BILL

FOR AN ACT ENTITLED

"An Act relating to water quality."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

Add Findings and Intent

* Section 1. AS 46.03 is amended by adding new sections to read:

Sec. 46.03.085. WATER QUALITY STANDARDS; MEASUREMENTS. (a) Except as otherwise provided in AS 46.03.087, the measurement of constituents other than sediment to determine whether a permittee is in compliance with permit limitations based on water quality shall be by methods approved in writing by the United States Environmental Protection Agency or by substantially equivalent methods approved by the department.

(b) The measurement of sediment to determine whether a permittee is in compliance with permit limitations based on water quality shall be by the volumetric Imhoff Cone method.

(c) Except when setting standards under AS 03.05.011(a) for shellfish growing areas, as defined in the national shellfish sanitation program manual of operations published by the Food and Drug Administration, and except as provided in

AS 46.03.087, the department may not adopt a water quality standard or other regulation relating to water quality that is more restrictive than applicable federal water quality criteria or regulations. Within [180] 90 days after receiving a request to amend the state's water quality standards to incorporate a change in, or elimination of, federal water quality criteria, or by another date mutually agreed on by the applicant and the department, the department shall either propose regulations that amend the state's water quality standards to incorporate [the change] a reduction in or elimination or follow the process required under AS 46.03.087(b). If, following the process under AS 46.03.087(b), the department is unable to make the written findings required under AS 46.03.087(b)(3), the department shall propose regulations that amend the state's water quality standards to incorporate [the change] a reduction in or elimination of the federal water quality criteria or regulations.

(d) In adopting and applying water quality standards, the department

(1) shall ensure that the standards are sufficient to protect human health and maintain the state's aquatic productivity;

(2) shall consider the natural condition of bodies of water;

(3) shall use scientific justifications and water quality criteria that can be reliably measured; and delete

(4) may not [when site-specific information is known or reasonably available] require discharged water to be of a higher quality, in a more restrictive use classification, or otherwise cleaner than the natural condition of the water into which the discharge is made.

Sec. 46.03.087. SPECIAL PROCEDURES FOR CERTAIN WATER QUALITY REGULATIONS. (a) The department may, after following the procedures in this section, adopt a

(1) water quality standard or discharge standard that is more restrictive than applicable federal water quality criteria or discharge standards;

(2) water quality standard or discharge standard less restrictive standard for which there is no corresponding federal water quality criteria or discharge standard; or

(3) regulation that allows the use of a method that is not substantially equivalent to methods approved by the United States Environmental Protection Agency

for the measurement of constituents to determine whether a permittee is in compliance with permit limitations relating to water quality.

(b) In order to adopt a standard or regulation governed by (a) of this section, the department shall

(1) make available to the public, at convenient locations, copies of the proposed standard or regulation and the findings of the department that describe the basis for adoption;

(2) consider in writing the economic feasibility of the proposed standard or regulation, and

(3) find in writing, as applicable, that

(A) hydrologic conditions, discharge characteristics or [sea life consumption rates] in the state or in an area of the state reasonably require the water quality standard, discharge standard, or method of measurement to protect human health and welfare or to maintain the state's aquatic productivity;

(B) the proposed standard, regulation, or method of measurement is technologically feasible; and

(C) hydrologic conditions, discharge characteristics or [sea life consumption rates] are significantly different in the state or in an area of the state from those upon which the corresponding federal criteria or regulations are based.

insert

insert

insert definition of Contaminated sea life rate

* Sec. 2. TRANSITIONAL REVIEW OF REGULATIONS. (a) The Department of Environmental Conservation shall, [by August 1, 1997] review its water quality regulations that are in effect on the effective date of this Act in order to determine if they comply with federal requirements and are not more stringent than applicable federal regulations. If the review indicates that there are state regulations that are more stringent than applicable federal regulations, the department shall determine whether it could justify those regulations under the requirements of AS 46.03.087(b)(3), enacted by sec. 1 of this Act. If the department determines that it cannot meet the requirements of AS 46.03.087(b)(3), the department shall [propose] adopt the necessary revisions to the regulations.

insert triennial review process

insert

(b) The Department of Environmental Conservation shall, by January 31, 1998, offer

in writing to orally brief the resources committees of the house and senate concerning the department's review and [proposed] revisions required under (a) of this section.

ALASKA STATE LEGISLATURE
House of Representatives

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ECONOMIC DEVELOPMENT, MEMBER

INTERIM
[illegible]
ANCHORAGE, AK 99501
PHONE: (907) 258-8191
FAX (907) 258-2918

DESIGN
STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE: (907) 465-4968
FAX: (907) 465-3048

Representative Norman Rokeberg

MEMORANDUM

TO: Senator Loren Leman, Chair
Senate Resources Committee

FROM: Representative Norman Rokeberg NR

DATE: April 29, 1996

SUBJECT: CSHB 342(RES)am - "An Act relating to water quality

Attached are the committee packets for CSHB 342(RES)am. If you have any questions please contact myself or my staff person, Shirley Armstrong at 465-4968.

ALASKA STATE LEGISLATURE
House of Representatives

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DISTRICT
[illegible]
ANCHORAGE, AK [illegible]
PHONE: (907) 258-8191
FAX (907) 258-2916

SESSION
STATE CAPITOL
JUNEAU, AK [illegible]
PHONE: (907) 465-4958
FAX (907) 465-2040

Representative Norman Rokeberg

SPONSOR STATEMENT

CSHB 342(RES)am - "An Act relating to water quality."

CSHB 342 (RES)am is supported by the 19 member Alaska Oil and Gas Association and the Resource Development Council. This bill attempts to provide certainty to members of the public and industry on the water quality standards that will be applied to the users of water.

Second, establishes that water quality criteria and measurements that must be by federal EPA methods which have been approved in writing or by a substantially equivalent method approved by DEC.

Third, authorizes the commissioner to establish a discharge standard for sediment and establishes the volumetric Imhoff Cone method as the measurement of sediment in discharged water.

Fourth, gives DEC 180 days after receiving a request to amend state regulations by a permit applicant in order that the state's water quality standards remain consistent and not more restrictive that applicable federal water quality standards.

Fifth, lists a number of items that must be taken into account when adopting and applying water quality standards.

Sixth, establishes special procedures for DEC to use when the department wants to adopt a regulation more restrictive than federal criteria, allows DEC to establish a water quality standard for which there is no corresponding federal criteria and also, allows DEC to establish a water quality measurement different from the method of measurement that EPA recommends.

Lastly, sets up a transitional review of state water quality regulations and established August 1, 1997 as the date for completion.

I urge your support of this important development tool. CSHB 342(RES) am will provide certainty to the public in enforcement of Alaska's water quality requirements.

Message from the Executive Director

by Becky L. Gay

Water quality standards: A good faith effort

After six years trying to complete a so-called triennial review for Alaska's water quality regulations, Governor Knowles and Commissioner Gene Burden tried something a little different last month. After an exhaustive administrative review of the regulations and in order to move away from the rhetoric of opposition, a threatened lawsuit, and other obstacles to resolution, a friendly "hostage-taking" took place at the Governor's office in Juneau.

Taking two representatives of each "side," specifically RDC and the Alaska Oil and Gas Association along with Clean Water Alliance and Sierra Club Legal Defense Fund, and a full complement of DEC staff, Governor Knowles stuck us in his conference room for six hours to get beyond the impasse which has been frustrating all sides. The Commissioner briefed us on what the Knowles administration actions would be, the reasons for those actions and asked for honest debate and hopefully, agreement on moving forward.

None of us were totally pleased, but I believe all were pretty surprised that the Governor could get us moving in the same direction. It was a good faith effort and with a little perseverance, the water quality standards will work. They need to give certainty to the regulated community, be technologically achievable and economically feasible and not be challenged in court.

The adoption draft for revisions to the water quality standards for anti-degradation, treatment works and petroleum hydrocarbons was recently signed by Commissioner Burden and is now at the Department of Law for review. *The actions taken are:*

Anti-degradation: The administration determined the absence of such a regulation was a deficiency, as the original standards did not include this aspect. Since it was added in final administrative review, this regulation was not subject to the same extensive public scrutiny, but is identical to federal law. *Action: State adopted additional anti-degradation provisions which specifically protect "outstanding national resource waters."*

Treatment works: Under review, DEC determined that treatment works in natural water bodies (sewage lagoons, tailings impoundments, etc.) are permitted under solid waste and domestic water programs and were therefore redundant if included in the water quality regulations. *Action: Repealed.*

Petroleum hydrocarbons: Much of the debate surrounding oil or diesel limits in wastewater discharges is focused on measurement methodology and analysis found in "Note 8" of the current regulation. DEC is amending the regulation to clarify required measurements. *Action: DEC repealed the current Note 8, instead adopting August 1993 version of Note 8. DEC will further research need for a numerical particulate standard by July 1996.*

Human health risk: The array of variables used to determine a risk level were debated, reflecting concerns about the importance of "Alaskanizing" specific values. The present Alaska standard of 10^{-5} was retained using federal values, in direct response to federal law. *Action: DEC retained current level and will initiate rulemaking to determine Alaska-specific values.*

Sediment: Most of the discussion on sediment was whether settleable solids or total suspended solids (TSS) should be the standard. Since there is no criteria for TSS in EPA, a significant factor supporting DEC's regulation is that testing for settleable solids uses simple field equipment and procedures. *Action: DEC retained the existing regulation, clarifying settleable solids as the regulated parameter, agreeing to study and report on the need for a TSS standard by July 1996.*

Mixing zones: Mixing zones are designated areas of a waterbody in which wastewater enters and mixes with a receiving water, diluting the discharge within the zone, but meeting water quality standards at and beyond the zone boundaries. DEC noted the current regulations provide better controls by setting stricter standards and addressing fresh water rivers and streams. *Action: DEC will prepare interim guidance and initiate rule-making and complete guidance by April. DEC retained authority to grant or deny mixing zones based on factual data presented.*

Of all the issues debated, mixing zones were held out for the most additional scrutiny. It is RDC's understanding that the next round of discussions will include all users of mixing zones and be open to the most technical data possible. Additional aspects under consideration are size limits, toxics and lethality. Marine mixing zones will also be included in the discussion, although the regulations under review dealt with fresh water. Existing mixing zones will remain, and all efforts will be made to ensure no unintended side-effects occur.

A summary of the actions taken are available at RDC and DEC. Please call me directly and I will make sure your concerns are advance to the appropriate level.

Resource Review is the official monthly publication of the Resource Development Council (RDC), is located at 121 W. Fireweed, Suite 250, Anchorage, AK 99503 [illegible]. Material in this publication may be reprinted without permission provided appropriate credit is given.

Writer & Editor
[illegible]

Alaska Oil and Gas Association

AOGA

121 W. Fireweed Lane, Suite 207
Anchorage, Alaska 99503-2035
Phone (907)272-1481 Fax (907)279-8114
Judith M. Brady Executive Director

April 22, 1996

STATEMENT OF SUPPORT - CSHB342 (RESOURCES)

The Alaska Oil and Gas Association supports CSHB342 as passed by the House Resources Committee on April 19, 1996. This legislation will provide the basis for the State of Alaska to have reasonable, economically achievable and scientifically-based State water quality standards that are no more stringent than federal standards, unless, on a case by case basis, scientific evidence justifies more stringent state regulations. It also provides an efficient mechanism for amending the state's regulations when federal requirements change, and allows ADEC to take into account the natural condition of waterbodies when setting discharge standards in permits.

• 1975 · Serving Alaska for 20 years · 1995 •

Resource Development Council
for Alaska, Inc.

121 West Fireweed Lane, Suite 250, Anchorage, Alaska 99503-2035
Phone 907/276-0700 Fax 276-3887

April 22, 1996

Representative Norm Rokeberg, Sponsor
and members of the Alaska State House
State Capitol
Juneau, AK 99801-1182

Dear Representative Rokeberg,

RDC supports CS for HB 342 (Resources), "an Act relating to water quality," which strengthens the Alaska mandate for economically-feasible and technologically-achievable state water quality standards.

Presently states are required to amend regulations to match federal regulations only when federal regulations become more restrictive. This is a one-way street. CS for HB 342 legislates a similar requirement to adjust state standards when federal changes result in less strict standards, or when federal mandates are deleted from law.

It should be understood that the State may still set stricter standards, but this legislation will encourage a pro-active response automatically and a review of such a decision. For those few cases where the State argues for a standard stricter than federally required, this bill also establishes a methodology for evaluating the merit of such an argument.

RDC supports CS for HB 342 for the additional provisions:

• An efficient "change mechanism" for agency response to consistency with federal regulations;

• A professional and definitive process for evaluating any conclusion which results in state standards being set stricter than federal requirements;

• An allowance for discharge waters to match the quality of the receiving waters strengthening DEC's resolve to use natural background levels as the standard when natural levels exceed the State standard, as is often the case in Alaska;

• Specifying EPA-approved measurements, in particular the volumetric Imhoff Cone method which strengthens the Department of Environmental Conservation's (DEC) current policy on settleable solids measurements.

RDC urges the Legislature to vote positively on this important bill in time to be successful this session.

Sincerely,

RESOURCE DEVELOPMENT COUNCIL
for Alaska, Inc.

Becky Gay

Becky L. Gay
Executive Director

copies to RDC Board, AMA, AOGA and member communities

2173 University Ave. S., #101
Fairbanks, AK 99709
907-474-2080
Fax 907-474-2082

FAX TRANSMITTAL

TO:	Representative Norman Rokeberg	DATE:	4/24/96
ORG.:	State House of Representatives		
CITY:	Juneau, AK	NO.:	907-465-2040

MESSAGE

As Chairman of the Fairbanks Branch of the Alaska Miners Association and Project Manager for Ryan Lode Mines, I wish to express support for CSHB343 " An Act relating to water quality" with the changes suggested by Steve Borell, Executive Director of the Alaska Miners Association on this date. Your efforts in addressing the water quality issue is greatly appreciated.

Yours truly,

Richard A. Hughes, P. E.
Project Manager

Resource Review

March 1995 A monthly publication of the Resource Development Council, Inc.

Retain existing water quality standards

Utility rates across Alaska could increase an average of 400 percent if the state increases the human health risk level from 1 in 100,000 to 1 in 1 million. While the benefits are hardly measurable, the costs are enormous

By Becky L. Gay and Carl Portman

The Resource Development Council and a broad coalition of businesses, individuals, organizations and local communities, are gearing up to defend the state's water quality standards, signed into law in December, but now the subject of a controversial administrative appeal and subsequent public hearings.

The Alaska Coalition for Responsible Water Quality Management is watching the review process closely and has offered additional science and cost-benefit data defending the existing regulations. The coalition includes the communities of Anchorage, Fairbanks and Juneau, as well as water and wastewater utilities and resource producers, ranging from oil, mining and forest product companies to seafood processors. The Coalition supports the existing regulations and believes they ensure protection for Alaskans without placing unnecessary and overwhelming restrictions on development.

Department of Environmental Conservation Commissioner Gene Burden re-opened the water quality issue in response to a petition filed by the Sierra Club Legal Defense Fund (SCLDF). The environmental law group is seeking to repeal or suspend five provisions in the regulations: Human health risk levels, mixing zones, treatment works, sediment and petroleum hydrocarbons. Hearings on the regulations were held in Anchorage, Fairbanks and Juneau in March and the public comment record is open until April 19.

SCLDF had threatened to sue to block the regulations, but the Knowles administration convinced the group to pursue the administrative appeal route. Under the administrative appeal, the regulations will stay in effect until the issues are settled. Burden emphasized that DEC's decision to re-open the regulations to further public comment does not mean the state is ready to sign off on the petition.

Sections of the regulations to be re-opened are limited to the five areas challenged in the petition, but DEC intends to use the review period to propose an anti-degradation provision, which was not a part of the regulations.

(Continued to page 4)

A change in the Alaska water quality standard risk level of 1 in 100,000 to 1 in 1 million and/or a loss of mixing zones would drive dischargers into advanced metals removal for wastewater. In Juneau, utility rates would increase by 293% with customers paying an additional $138 per month for sewer service. See page 5 for rate impacts across Alaska.

(Photo by Carl Portman)

RDC urges ADEC to reject petition, retain water quality standards

(Continued from page 1)

The water quality standards are used as a basis for limits in wastewater discharge permits issued to industries and local communities. The existing standards were the product of an intense, five-year public process which included 12 public hearings, two statewide teleconferences, two public comment periods running 213 days and three two-day meetings of a State Water Quality Standards Advisory Group. The regulations were signed into law in December, but shortly after they became effective, the environmental group's petition was filed.

RDC members were very active in the prior round of hearings and testimony. The public record clearly showed widespread support for the regulations.

RDC believes there should be some finality to the regulatory process and has told Commissioner Burden that after all the effort expended by all sides in this debate, it seems unreasonable to go through the process again.

Compounding the water quality issue is the historic decision to classify all waters in Alaska to the highest use, namely drinking water and aquatic life, regardless of activity or reality. Due to the lack of money to sample, characterize and classify thousands of waterbodies, the state made the most stringent choice, creating some strange regulatory situations.

For instance, taken literally, if you poured a glass of drinking water from most Alaskan communities into a natural waterbody, you would be violating current discharge standards.

RDC is distributing briefing papers on water quality for those who want more detailed information. Here are summaries:

Human health risk: The present Alaska standard is 10^{-5}, which sets the risk level at 1 in 100,000. In this debate, risk is calculated from an array of variables and reported as the potential chance of getting cancer from some source, namely ingesting polluted water or fish. *(The statistical risk of dying from cancer in the U.S. is about 1 in 4, or 25,000 per 100,000.)*

Because of the conservative assumptions used in risk assessment, the actual individual risk for most Alaskans is much lower, since people move from place to place and very little fish they eat are contaminated. Here's the catch: the 1 in 100,000 risk level is based on people eating ***contaminated*** fish for 70 years. Moreover, the contaminated fish would have had to spend its life at an industrial or municipal wastewater outfall — an unrealistic assumption.

While the risks are estimated, the costs are certain and will either be borne by the taxpayer for upgrades to public sewage systems, or by the consumer for upgrades to industrial systems. The Municipality of Anchorage estimates that sewer utility rates would increase 407 percent if the State increases the human health risk level to 1 in 1 million. The average utility rate increase across Alaska would be approximately 400%.

Those advocating the stricter 1 in 1 million standard reflect a broader public perception about risk. This perception demands that large amounts of resources and attention be devoted to alleged dangers that are speculative and small. This is particularly disturbing in light of the fact that in Alaska lack of rural drinking water and sanitation systems pose the greatest threats to public health.

EPA gives states discretion to set risk levels between 10^{-4} and 10^{-6} (1 in 10 million). But, local communities, utilities and industries say the higher risk standard of 10^{-6} (1 in 1 million) is impossible to meet, noting that states with the higher standard are granting administrative exemptions in discharge permits

"Alaska standards: technologically achievable and economically feasible"

RDC urges its members to submit comments supporting the state water quality standards, which took effect in December. Submit comments to: Water Quality Management Section, AK Dept. of Environmental Conservation, 410 Willoughby Avenue, Suite 105, Juneau, AK 99801-1795, or fax to 907-465-5274.

ACTION

Main Point:

- *Urge DEC to retain the existing water quality regulations and reject the petition filed by the Sierra Club Legal Defense Fund.*

Other Points:

- *The existing regulations afford a sufficient level of protection for Alaskans without placing overwhelming restrictions on development.*
- *The 1 in 100,000 risk level adopted by DEC protects human health [illegible]*
- *The mixing zone provisions are critical for communities and industries.*
- *The newly-adopted Treatment Works definition is necessary for all Alaskan municipalities and industries [illegible] for waste treatment. It should be retained as adopted by the department.*
- *The petroleum hydrocarbons, oil and grease standards adopted by DEC are a good first step toward resolving concerns and should be retained to serve as a starting point for discussions to be held during Phase II of the Water Quality Standards Review.*
- *The proposed antidegradation policy should be withdrawn from this process and should be included in Phase II of the state's triennial review process.*

Please write a brief letter today. The opposition has launched a major campaign demanding that the current regulations be repealed.

Rate impact of advanced metals removal for wastewater

Utility	Current Revenue Requirement	Current Sewer Rate	Type of Treatment	Capital Cost for advanced treatment	Additional Revenue Required* for advanced treatment	Percent Rate Increase	Projected Monthly Rate
Anchorage	$22,607,300	$21.65	Primary	$346,807,000	$91,941,000	407%	$109.70
Fairbanks	6,370,000	24.45	Secondary	54,948,000	16,845,000	264%	89.11
Juneau	4,149,000	35.35	Secondary	40,380,000	12,145,000	293%	138.83
Kenai	850,000	41.00	Secondary	11,244,000	2,745,000	323%	173.41
Ketchikan	1,296,000	24.15	Primary	36,133,000	7,431,000	573%	162.62
Kodiak	1,533,000	32.20	Secondary	22,170,000	6,270,000	384%	155.83
Nome	533,000	32.00	Secondary	7,602,000	1,570,000	295%	126.26
Sitka	1,033,000	24.00	Primary	33,726,000	6,843,000	662%	182.92

*Includes debt service (10% of capital cost)

A change in the Alaska water quality standard risk level of 1 in 100,000 to 1 in 1 million and/or a loss of mixing zones would drive dischargers into advanced metals removal for wastewater. The construction and operation of advanced metals removal facilities are extremely expensive and the technology generally unproven.

because dischargers simply cannot comply. The existing 10⁻⁵ standard already requires sampling accuracy for some constituents beyond the limits of testing equipment; in many cases this standard is ten times more stringent than naturally-occurring background levels of various substances in state waters.

Mixing zones: Municipalities, as well as industries, including mining, timber, fish processing, and oil and gas rely on mixing zones. Mixing zones enable a discharger to use the natural assimilative capacity of a receiving water while satisfying water quality regulations in a feasible, safe and cost-effective manner outside the zone. Mixing zones are a legal provision recognizing standards can be accommodated within a predictable and acceptable distance from the point of discharge. Allowing mixing zones is an essential regulatory tool for site-specific situations. The new standards provide comprehensive requirements for extensive analysis prior to DEC authorization of fresh water mixing zones and prohibit mixing zones in certain circumstances. These regulations are significantly more restrictive than the previous regulations, and repealing them would be a step backward.

As an example, elimination of mixing zones in Cook Inlet would require a zero discharge of process waters, affecting fish processors and Cook Inlet communities, including Anchorage. For the oil and gas industry, estimates of the cost of reinjection of the process waters is over $50 million. According to Wylie Barrow, General Manager of Unocal, the Trading Bay Field and McArthur River Field would be prematurely abandoned, resulting in the loss of 875 oil industry and service company jobs, $87,474,300 in state royalty and taxes, and $581,000,000 in gross revenues.

It does not make sense

- *It does not make sense for water quality standards to be so restrictive that discharges must be cleaner than natural water.*
- *It does not make sense for Anchorage to spend nearly $350 million to construct an advanced metals removal facility to remove one pound per day of arsenic, at a cost to Anchorage ratepayers of $110 per month, when Knik Arm contains over 10,000 pounds of natural arsenic that has no impact on aquatic life [illegible]*
- *It does not make sense to establish more restrictive limits for Alaska than EPA recently recommended as being necessary for protection of people around the Great Lakes.*
- *It does not make sense to blindly follow the bad examples set by Idaho, Washington and Oregon who adopted 1 in 1 million risk limits and now have a convoluted permitting process because no dischargers can meet the limits.*

Hydrocarbons, oil and grease limits: In the general sense, petroleum hydrocarbons and oil and grease are just as they sound to the lay person. For regulatory purposes, it gets much more complex, looking at the individual components that make up the hydrocarbons, oil and grease.

The existing requirements adopted by DEC limit hydrocarbons to those that would pose significant potential environmental impact. More sensitive detection and reporting limits are included, and the numeric criteria for hydrocarbons remain the same as in earlier regulations.

Essentially all water discharges are affected by the hydrocarbon limits in the existing standards. If standards become even stricter, every stormwater or municipal discharge (without a mixing zone) will be in violation. The cost of compliance would be exorbitant with minimal environmental improvement. Enforcement will be costly and selective, since even small boat harbors will be out of compliance.

Treatment works: Water-borne wastes may, in some cases, be held in constructed "treatment works" for purposes of treatment and disposal. Treatment works may include mine tailings impoundments, sediment settling ponds, sewage lagoons, cooling water ponds, landfill containments and other waste treatment facilities. Treatment works in natural water bodies are primarily used four ways throughout Alaska.

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Alaskans must understand implications, costs and benefits of water quality standards

(Continued from page 5)

• *Village treatment systems*: Village systems commonly use nearby lagoons or ponds for naturally aerated treatment. If natural waterbodies or impoundments in natural drainages could not be used for treatment works, approximately 30 to 50 small wastewater treatment systems in the state may require modification to more complex mechanical treatment systems. Capital and operating costs for more sophisticated mechanical systems in Alaskan villages have proven prohibitive.

• *Stormwater runoff*: Treatment of stormwater runoff by use of detention ponds for municipal, other governmental and industrial sites is a common practice. The practice is identified by the Environmental Protection Agency and by most state regulations as the best management practice (BMP). Treatment of stormwater by other means is normally not economically feasible.

• *Mining*: Uses treatment works in the form of settling, sediment and tailings ponds.

• *Fish processing and hatchery systems*: Both discharge untreated wastes into waterbodies designated as waters of the state or the United States.

Urban and rural Alaska face different options and costs for complying. For instance, the Municipality of Anchorage estimates capital construction costs of $347 million and ongoing operation and maintenance costs of $92 million per year for complying with the proposed changes to the water quality standards at the city's major treatment works. The monthly user rate would increase from $22 to $110.

In rural Alaska, the cost of installing a mechanical system is estimated to be between $2 million and $10 million with operating and maintenance costs running between $200,000 and $400,000 annually. Cumulative capital costs for treatment alone could exceed $900 million with additional annual operation and maintenance costs exceeding $20 million.

Sediment: The recently-adopted sediment standard relies on a combination of settleable solids and turbidity to regulate sediment loads. The standard also provides for the use of a simple recognized field procedure to measure settleable solids. Rapid determination of discharge quality can be used for control of treatment and discharge timing. Within an hour, a discharger or an agency can determine compliance or violation of a standard, versus an alternative method which would require three to four weeks of laboratory analysis.

Anti-degradation: Since this was not part of the years of public hearings and other work, RDC believes this important aspect deserves more study and consideration and should not be held to the same administrative time line as the adopted regulations. Many people are confused, for example, about the difference between anti-degradation and "anti-backsliding," which have important distinctions in the regulatory arena.

RDC supports the current water quality standards, which are the result of years of work, discussion, debate and testimony. RDC was one of many groups which spent many hours with its membership, the public and the Administration working to shape water quality standards which are technologically and economically feasible for Alaska. Shouldn't we give them a chance to work?

Editor's Note: Briefing packets on this issue are available at RDC. Call 276-0700 for a copy.

Salvage timber bill advances

Legislation that would change state law to allow loggers quicker access to trees that will lose substantial economic value due to disease or fire has passed the Senate and at press time was moving to Governor Tony Knowles' desk, pending House concurrence of Senate changes.

RDC supports HB 121, known as the salvage timber bill. RDC believes the bill will serve as a vital forest management tool to help manage dead and dying forest in Alaska. HB 121 would give DNR the ability to accelerate its timber sale program for insect-damaged trees.

The state currently is required to list targeted stands on a five-year plan for at least two years before timber can be offered for sale. Even if the timber is threatened with disease or infestation the wood can't be sold and cut. The legislation would allow the DNR commissioner to waive the two-year requirement after determining a particular stand of trees is likely to lose substantial value if not cut within two years.

Time is a critical factor in harvesting dead or dying timber and reforesting infested stands. HB 121 would allow the private sector to respond in a timely manner to harvest dead trees and reforest infested areas before the trees deteriorate to an uneconomic level. After about two years of spruce bark beetle infestation, there is insufficient value in the forest to meet the costs of reforestation, as well as the costs of the sale and the infrastructure required for harvest.

In response to misinformation on the bill, RDC noted that HB 121 would not exempt salvage timber sales from public review nor eliminate public planning for lands and resources. Moreover, HB 121 does not exempt timber sales from reforestation provisions of existing state law.

RDC urges its members to write the Governor in support of HB 121.

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Water quality standards and the arsenic cancer risk

Editor's Note: The Montana Legislature passed several bills revising the state's water quality standards and requiring that treatment standards be economically, environmentally and technologically feasible. Legislation passed by the Montana Legislature and supported by Governor Racicot revised the human health risk level from 1 in 1 million to 1 in 100,000 and adjusted the standard for arsenic from 1 in 1 million to 1 in 1,000 risk. The revisions were made after local communities and businesses throughout Montana were unable to obtain waivers from stricter standards which were economically and technologically infeasible.

By Senator Lorents Grosfield
Chairman, Montana Senate
Natural Resources Committee

Second of two-part series
Edited for space

One of the troubling policy questions that we must continually weigh is, how "clean" does "clean" need to be? If we are discharging water into a stream should "clean" mean as close as we can get to totally pure? Should it mean cleaner than the water naturally occurring in the stream? Should it mean as clean as the water we're discharging into? Should it mean clean enough to meet all the water quality standards that have been set to protect our health and environment?

Take Anchorage, Alaska, a city of about 250,000 people. Recently it was discovered the discharge into Cook Inlet from the municipal sewage treatment facility contained too much arsenic to meet the standard. An analysis of the problem revealed that it would cost the city $970 million to upgrade its system in order to eliminate enough arsenic to meet the standard. That's over $12,000 for every family! The amount of arsenic to be eliminated was about one pound. But further investigation revealed that literally hundreds of pounds of arsenic already arrives naturally from the various rivers that flow into Cook Inlet and from the tide coming in from the ocean. Given that hundreds of pounds are already arriving naturally, what possible sense would it make for the city to tax its citizens enough to pay the $970 million to eliminate one pound from the city's discharge? Could it be perhaps that the standard is flawed, or at least needed an exemption to deal with the specific Anchorage situation?

It's important to remember that water quality standards have not been cast in stone by some supreme being. Environmental science is not an exact science and none of these standards are "inviolable."

Take Senate Bill 331 and the issue of Montana's water quality standard for arsenic. Arsenic is a known cancer causing agent. But there are at least four major points that need to be understood.

First, SB 331 changed the standard for arsenic from being based on a one-in-a-million increased lifetime cancer risk to a one-in-a-thousand increased risk. Does this mean that the Legislature has increased the cancer risk 1,000 times? Absolutely not.

At a one-in-a-million increased risk the Montana water quality standard for arsenic in Montana streams and rivers before SB 331 was 0.018 parts per billion (18 parts per trillion). But the EPA drinking water standard is 50 parts per billion (50,000 parts per trillion). This means that our old standard for streams and rivers was 2,778 times more restrictive than the federal drinking water standard!

The new one-in-a-thousand cancer risk standard in SB 331, for discharges to our rivers, streams and groundwater, figures out at 18 parts per billion, which is still almost three times stricter than the federal drinking water standard of 50. But what is even more telling are the relatively high levels of arsenic that occur in most Montana streams naturally. For example, the average arsenic in the Missouri River at Toston from natural sources is about 24 parts per billion. With this level of arsenic naturally occurring in the river, there is no increased cancer risk in the Upper Missouri River by moving the standard from 0.018 to 18. Why? Because the standard is still less than what's there naturally.

Granted, not all Montana streams have as much naturally occurring arsenic as the Upper Missouri. The average natural arsenic in the Yellowstone River at Livingston is about 21 parts per billion. By the time the Yellowstone reaches the North Dakota border it is down to about 7. But in the Madison River at West Yellowstone, the natural arsenic level is about 260 parts per billion!

Remember, with our standard now at 18, we are still nearly three times stricter than the federal standard of 50, which, like all federal drinking water standards, already has a significant safety margin built into it.

The second point is that fish are not as sensitive to arsenic as humans. Changing the standard to 18 will have absolutely no effect on fish. The arsenic standard set for healthy fish is 190 parts per billion; that is, below this level, fish will not be affected at all, and it's not until continual exposure for a week or more at a level of 360 parts per billion that fish will actually die.

The third major point is that we

Continued to page 5)

Congressman Don Young, Chairman of the House Resources Committee, enjoys a warm welcome before the large luncheon crowd at the RDC Annual Meeting. Young addressed new opportunities for Alaska in the new Congress.

Outgoing President Dave Parish receives a "First Barrel of Oil" plaque from President Elizabeth Rensch for his outstanding service to RDC. Parish first came to RDC ten years ago as a student intern during summer break from college.

RDC board member John Forceskie, President of Teamsters Local 959, receives special recognition and a plaque from RDC's outgoing President Dave Parish. Forceskie, who retires from the Teamsters this month, served as Vice President of RDC for eight years, longer than any other board member in that office.

At upper right, members of RDC's new Executive Committee pose for the camera. At bottom right, Gail Phillips, Speaker of the Alaska House, presents Eielson Junior High School student Katrina Balash with a certificate for her winning essay in the RDC Statewide Essay Contest. Katrina's essay addressed "The Role of Resource Development in Alaska's Economy." The winner in the high school category was Skagway's Lisa See who focused on "Opening ANWR."

Montana strives for reasonable water quality standards

Continued from page 2)

cannot, even given present technologies, reliably measure arsenic at less than 3 parts per billion. Now, if 0.018 parts per billion is not measurable, it is not detectable, and if it is not detectable it is certainly not enforceable.

The fourth point pertains to the creation of the old standard at 0.018 parts per billion. It was based on a Taiwan study showing that a person living in Taiwan had a one-in-a-million increased chance of getting cancer IF that person drank 2 liters of water per day from that same "contaminated" source of supply each consecutive day for 70 years and ate an average of 6.5 grams of fish caught from that same source of supply each day for 70 years.

If a person were to do these things, that person would have a one-in-a-million increased chance of getting cancer.

Given all this, was it reasonable to have a standard set at 0.018 parts per billion in the first place? Is it reasonable to have a water quality standard for discharges to streams and groundwater set at a level 2,778 times stricter than the federal drinking water standard? It reasonable to have standards we cannot even measure? Is it reasonable to have standards set at a level substantially below the condition that nature provides naturally?

Don't forget who pays for the implementation of these standards.

ARCO, BP

North Slope producers were upbeat in their assessment of Alaska's potential at the Jan. 21 "Meet Alaska" conference. ARCO told of new work on West Sak. BP talked about its prospects at Milne Point and Badami. Much of the optimism stems from perceptions of a new relationship with state government. *(Page 2)*

Alyeska Pipeline

Alyeska Pipeline submitted its final plan for its Valdez vapor control project to EPA, and is optimistic about early approval. *(Page 3)*

Governor

Commerce Commissioner Hensley says Gov. Knowles was encouraged over his meetings with industry in Los Angeles and Houston, and plans meetings in London in March. Knowles wants to listen to industry concerns as well as tell the companies on the state's oil priorities. *(Page 3)*

Legislature

State Sen. Loren Leman will hold hearings of his Senate Resources Committee Feb. 1, looking for ideas on ways the state can encourage new oil and gas investment.

House Resources chair Rep. Joe Green predicts his committee will also deal with oil and gas incentives. *(Page 5)*

INSIDE OIL & GAS

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Environmental groups file appeal

Water quality regs open again

Dept. of Environmental Conservation Commissioner Gene Burden has re-opened issues in new state water quality regulations signed into effect by former DEC Commissioner John Sandor in early December, in response to a petition filed with DEC Jan. 12 by the Sierra Club Legal Defense Fund. SCLDF was acting on behalf of the Alaska Clean Water Alliance, United Fishermen of Alaska, and Alaska Wilderness Recreation and Tourism Assoc. Hearings on the regulations will be held in Juneau, Anchorage and Fairbanks, the commissioner said. DEC officials are making efforts to assure people that the fact that the regulations have been opened for further hearings does not mean DEC is ready to sign off on positions put forward by the environmental law group.

SCLDF had threatened to sue to enjoin the regulations but State Attorney General Bruce Botelho talked the group into taking the administrative appeal route. (The Knowles administration did not want to be slapped with an environmental lawsuit in its first days in office, even though the issues were linked to the previous administration.) Under an administrative appeal, the regulations being questioned stay in effect until issues are settled one way or another. If an action for an injunction were filed, and succeeded, the regulations would be shelved. Sources in the Knowles administration said there were no "guarantees" given SCLDF by state attorneys, but that there was an "expectation" there would be opportunity for further comment on the regulations, i.e. that the appeal would not be denied. *Continued on Page 8*

Oil and Gas Director Eason's resignation accepted

The Knowles administration accepted the resignation of Jim Eason, veteran director of the Division of Oil and Gas. All division directors were asked to submit their resignations. Eason served the division for 14 years through four state administrations and nine Commissioners of Natural Resources. While sometimes at odds with the industry, Eason was a strong defender of the state's interests.

Environmental law group challenges state's water quality regulations

Continued from Page 1

SCLDF's appeal challenged five areas in the regulations: (1) exemption of water "treatment works" from standards; (2) sediment criteria, to cover only settleable, and not suspended, solids; (3) criteria for Total Hydrocarbons; (4) criteria for mixing zone authorizations; and (5) human health risk level. The human health "acceptable" risk level of 1 additional case of cancer in 100,000 population, instead of 1 in 1 million, was the most controversial part of the new regulations. Commissioner Burden has asked DEC staff to prepare a justification as to why the 1 in 100,000 standard is the preferable standard for Alaska. Sections of the regulations to be reopened are limited to the five areas challenged in the SCLDF's petition. In addition, the department intends to use this opportunity to propose language dealing with antidegradation, which was excluded from the final regulations at the suggestion of the attorney general, who expressed concern that the public had not had adequate opportunity to comment on that specific section. The 60-day comment period is expected to commence Feb. 13, when copies of the formal package will be available to the public.

Upcoming events

February 13, 1995: Revised deadline for comments on proposed revisions and additions to the Classification of State Agency Approvals ("ABC" list). Comments should be submitted to Chas Dense, DGC, P.O. Box 110030, Juneau, Alaska 99811-0030. Phone: 1-907-465-3562.

February 17, 1995: Deadline for submission of recommendations for changes to Air Quality Control Regulations. Comments should be submitted to John Stone, ADEC, 410 Willoughby Avenue, Suite 105, Juneau, Alaska 99801.

Alaska Oil and Gas Association
121 West Fireweed, Suite 207
Anchorage, Alaska 99503

See Page 2

Chamberline

Greater Fairbanks Chamber of Commerce
709 2nd Ave., Fairbanks, AK 99701
(907) 452-1105

Issue No. 5
March 10, 1995

Fairbanks Spared in Base Cutting

Fairbanks' wide open spaces are a rare and highly desirable commodity from the military point of view, Maj. Gen. Thomas Needham told the Fairbanks chamber at their General Membership Luncheon Feb. 28.

Needham spoke to the Fairbanks chamber the same day that the latest round of base closures and realignments was announced by the Department of Defense, but the news for Fairbanks was mostly good.

"It's not easy talking to a chamber of commerce on the day the secretary (of the Department of Defense) announces base cutbacks and closures," Needham said.

Fort Wainwright, Needham said, would be spared further cuts for the foreseeable future and may actually gain some military and civilian personnel due to the transfer of responsibilities and personnel from Fort Greely near Delta Junction.

"According to the announcement made by the secretary, Fort Greely will become a sub-post of Fort Wainwright," Needham said.

The Department of the Army has decided to transfer Fort Greely's Northern Warfare Training Center and Cold Region Testing Center to Fort Wainwright. Along with the new responsibilities, Fort Wainwright will gain approximately 205 military and 56 civilian positions, according to the Department of Defense.

According to a Department of the Army report, the move will cost Delta Junction, the town closest to Fort Greely, 969 jobs or 36 percent of the area's employment base between 1996 and 2001. Direct employment by the military accounts for 724 of those jobs and the other 245 are "indirect" employment created as a collateral effect of military activity.

"It's too early to tell how many," Needham said. "Cooks can be moved pretty easily, but it is harder to move a power plant."

Needham said it is still too early to say whether the move will mean more civilian jobs for Fairbanksans working on construction of new facilities. He did, however, point out that while defense contracts are down an average of 23 percent nationwide this year, the level remained virtually unchanged in Alaska.

Needham said Alaska will wind up with about 6,500 soldiers, approximately 5,000 at Fort Wainwright and most of the balance at Fort Richardson. The Army will also hang on to its 1.6 million acres of land in Alaska, he said.

Availability of space, Needham said, is part of what makes the Interior a desirable home for the military. As Anchorage grows, the military is running out of room for "live-fire" exercises.

"The trouble with live-fires at Fort Richardson is that, because of environmental constraints, we can only do it in the winter when there is 8-inches of ice," Needham said. "We're running out of room down there."

The Army has 916,000 acres available for training at Fort Wainwright, 62,000 acres at Fort Richardson and 662,000 acres that they will retain at Fort Greely, according to Linda Douglass of the Fort Wainwright Public Affairs Department.

According to the Department of the Army report, the realignment between Fort Greely and Fort Wainwright will result in a $23 million implementation investment that will yield a net savings of $43 million during the implementation period and $19 million a year thereafter.

Needham said the army plans to spend $2 million to upgrade Bassett Army Hospital at Fort Wainwright and another $5 million on barracks renovation.

"Family housing is adequate, but we have let barracks slide," Needham said. "In the barracks, we

(see Needham, next page)

(Needham continued from page 1)
have soldiers sitting on furniture older than they are."

The Army also plans to fix up the post swimming pool and spend another $12 million on roads and other projects.

"The good news is that we have money to train," Needham said, adding that he expects Alaska's military to be called to a global hot spot some day.

Needham thanked Fairbanks for its support of Fort Wainwright during the army post of excellence evaluation that recently went on in Fairbanks.

"Both Fairbanks and the post had a good day when the evaluation team was here," Needham said. "We sincerely appreciate the support we get from the community."

Needham said he doesn't expect the results of the evaluation until some time in June.

"We won't know until they call us and tell us to come to Washington (D.C.)," Needham said.

Board Hears Report on Water Quality Standards

The Sierra Club is mounting a new challenge to Alaska's Water Quality Standards which could cost Alaskans billions of dollars and stifle future development the chamber board was told at their March 6 meeting.

Mary Nordale, President of the Alaska Miner's Association, and Bill Jeffress, of Fairbanks Gold, gave the board a briefing on the Department of Environmental Conservation water quality standards review currently underway. The Sierra Club Legal Defense Fund has petitioned the DEC to revoke the water quality standard signed into law by Gov. Hickel on Dec. 5, 1994.

If the new standard being sought by the Sierra Club goes into effect, it could kill the mining, fishing and timber industries, Jeffress said. The Fort Knox project near Fairbanks, due to begin construction this summer, could be jeopardized by new, more stringent standards, Jeffress said.

Alaska's current standard allows a human health risk of 1 in 100,000. That means a person would have a 1 in 100,000 chance of contracting cancer if they were to drink two liters of treated water a day for 70 years, Jeffress said. The Sierra Club wants the risk factor changed to 1 in 1 million.

To put it into perspective, he said, your chances of being hit by an airplane falling from the sky involve about half the risk of the state's 1 in 100,000 standard. According to Jeffress' figures, Americans have a 1 in 4 chance of dying from cancer with or without the 1 in 1 million standard.

The Sierra Club's standards are unattainable, Jeffress said. Under the 1 in 1 million standard, drinking water would not be an acceptable discharge, he said. The technology doesn't exist, Jeffress said, to remove natural levels of arsenic from Alaska's water to the 1 in 1 million standard.

Nordale said the 1 in 1 million standard, if applied, would apply across the board and cost state and local government in Alaska $2 billion to upgrade waste water systems. She estimated the cost to owners of residential septic systems at $50,000 per lot.

Jeffress said the effect on the Alaskan economy would be catastrophic. He said venture capital for development would likely be scared off by the 1 in 1 million standard. The higher standards have proven fiscally and technologically unattainable in other states, he said. If we ignore the public process, he said, the regulations will go into effect virtually unopposed.

There will be a public hearing on the proposed water quality standards at 7 p.m., March 17 in the Noel Wein Library. Jeffress urged all interested parties to attend the meeting.

March Luncheon Speakers

March 14 British Petroleum Alaska President John Morgan will address the membership on development opportunities on the North Slope and what needs to be done to make those opportunities a reality. There will also be a Parka Parade preview.

March 21 MarkAir Director of Marketing Craig Johnson will speak on MarkAir's economic impact in the state of Alaska.

March 28 American Red Cross will give a Koyukuk River flood update.

Business After Hours

5-7 p.m., Thursday March 23

at

Frontier Business Machines

hosted by

Margherita Gilbertson

See insert for details

Water-quality rule changes draw criticism on all sides

By Associated Press

JUNEAU — Proposed changes in the state's water quality regulations are being panned by industry and environmental representatives alike.

But their complaints differ. Citizen groups say the regulations didn't change enough, while a mining representative says the changes are a major break from the past and could cause problems.

The state revised the regulations in response to a January 1995 petition by the Sierra Club Legal Defense Fund, representing United Fishermen of Alaska, the Alaska Clean Water Alliance and the Alaska Wilderness Recreation and Tourism Association.

The groups petitioned the state after then Gov. Walter Hickel signed new water quality regulations just hours before he left office in December 1994. Those regulations followed a three-year battle over water quality standards.

The proposed changes focus on mixing zone regulations, with potential effects on mining, oil and pulp companies. Mixing zones are areas near a discharge where state water quality standards are exceeded.

"Mixing zones were designed as a temporary exemption to Clean Water Act principles," said Gershon Cohen, who heads the Alaska Clean Water Alliance. "But mixing zones have become the rule, and the exception."

Pamela Bergstrand of the state Department of Environmental Conservation said the revisions were largely minor language changes intended to clarify the regulations. But the Alaska Miners Association disagrees.

"It's very disturbing DEC has presented this as minor changes when they've broken with the past. It's a very, very different document than anything we've had in the state," said Paul Rutanowski, Juneau branch chairman of the association.

One of the changes is a new definition of mixing zones, which Rutanowski said is likely to confuse people because it differs from what has been described as a mixing zone for years.

Another revised section could be interpreted to require the state to review a previously approved discharge into water if any circumstances change, he said. That could pose problems for companies when changes occur, such as a drop in water flow in a dry year.

But Sierra Club Legal Defense Fund representatives are disappointed the revisions don't do more to narrow the situations in which a mixing zone for toxins or carcinogens are allowed, said Kelly Nolen, assistant attorney for the organization.

A hearing on the proposed changes was held Friday night in Juneau.

Voice of The Times

Inlet oil jobs, revenue face serious threat

This concludes a two-part series on the over-regulation of the oil industry in Cook Inlet.

By BILL STAMPS

The oil industry in Cook Inlet has done many positive things for this region of the state. Unfortunately, where once 12 major companies operated, only three remain. And they face being over-regulated out of existence by federal and state agencies.

The issue has to do with the requirements of a permit to discharge water from an oil platform. Many people probably aren't aware that a permit "violation" does not have to be something that causes harm to the environment — only violate the written text of the permit.

For instance, oil companies have to report a spill the size of less than one tablespoon. Millions of gallons of water move by an oil platform every hour, and if one tablespoon of anything not listed on the permit goes into the waters of Cook Inlet, a company is required to report it as a violation.

Another violation would be for a company to draw a bucket of water from Cook Inlet and pour it back in. A company would not be allowed to dump the water back into Cook Inlet if permission to do so is not written into the permit. That's because the natural waters of Cook Inlet may not meet the water discharge standards imposed on oil companies by the Environmental Protection Agency.

Can you imagine the EPA telling the fishing industry that fishermen are not allowed to wash off the decks of their boats because the waters of Cook Inlet are not clean enough to be dumped into the waters of Cook Inlet?

The reporting requirements placed on oil companies by the EPA and Alaska Department of Environmental Conservation are extensive and costly to the industry. Proposed regulations are even worse.

Consider some of the disparities in the standards placed on oil companies. Oil companies are allowed to discharge up to 76 milligrams of suspended solids per liter into Cook Inlet. The city of Anchorage is allowed to discharge 120 milligrams per liter. Ships (including Greenpeace's ship) are allowed 150 milligrams per liter.

Even Mother Nature is not held to the same strict permit requirements that the oil companies are. Cook Inlet waters naturally have from 2,000 milligrams of suspended solids per liter in the northern part to 200 in the southern part.

An oil company discharges produced water and drilling mud and cuttings into Cook Inlet. These are byproducts of production and drilling operations. Even though four recent studies have shown that produced water and drilling mud and cuttings have no negative impact on the waters of Cook Inlet, the EPA is proposing extensive new testing requirements under the proposed National Pollutant Discharge Elimination System (NPDES) permit.

Consider also the approximate amounts of treated sewage discharged daily into Cook Inlet in 1994 by the following Cook Inlet area cities (numbers provided by the cities):

- Homer discharges approximately 300,000 to 400,000 gallons a day.
- Soldotna discharges about 500,000 gallons per day via the Kenai River.
- Kenai discharges approximately 825,000 gallons per day.
- Eagle River discharges approximately 1.3 million gallons a day.
- Anchorage (Point Woronzof) discharges about 30 million gallons a day.

Those "dirty oil platforms" discharge the smallest amount — approximately 60,000 gallons a day.

Environmental extremists want a zero discharge from the oil industry into Cook Inlet. We should tip our hats to the EPA and to ADEC for not agreeing to this and recognize the zero-discharge issue for what it is: an attempt by the radical environmentalists to shut down the oil industry in Cook Inlet. It would take an estimated $50 million to achieve zero discharge on the oil platforms.

Even though recent studies have shown the oil companies have done no harm to the waters of Cook Inlet, they are being targeted for much tougher, more expensive and unneeded discharging standards than other entities. Anchorage, for instance, is not required to meet the same total suspended solids standard the oil companies have to meet. Why? Because the cost would be too great for residents to bear if municipalities had to meet the same standards.

Oil companies operating in the declining fields can't afford the additional costs either. And they could use some support right now from the community.

Alaskans need to send letters to the EPA and the ADEC stating support for environmental protection of the waters of Cook Inlet but opposing unnecessary and expensive regulations in the proposed NPDES permit. We don't want to see the industry kicked out because of unnecessary standards demanded by extremists.

Letters from individual Alaskans are like votes in an election — each and every one counts. Public comments are being received through Jan. 29, 1996. Send your letters to:

EPA Region X
Attention: Ocean Programs Section, WD-137
1200 Sixth Ave.
Seattle, Washington 98101

ADEC
Southcentral Regional Office
555 Cordova Street
Anchorage, AK 99501

Bill Stamps is chairman of the Kenai chapter of the Alaska Support Industry Alliance.

ADN 8/24/95

Water rules will go

Knowles wants new standards

Daily News staff and wire reports

JUNEAU — The Knowles administration said Wednesday it will change some controversial rules environmentalists say allow too much pollution in Alaska's relatively clean waters. The rules were approved the last day of the Hickel administration and were supported by industry and pro-development groups.

Environmentalists had hoped for a complete reversal. But clean-water activists said they were satisfied Gov. Tony Knowles agreed to revise at least some rules and to study others to see if changes are needed.

"There's ample room for industries to operate in Alaska with strong water standards and still make a profit," said Gershon Cohen, who heads the Alaska Clean Water Alliance. "We're not interested in stopping industry and stopping economic uses of natural resources."

Among the revisions will be a policy identical to federal standards for protecting high-quality waters such as those in national and state parks or wildlife refuges. The state previously had no such policy.

Rules on mixing zones also will be clarified. Mixing zones are parts of bays

Please see Page B-2 WATER

WATER: Pollution rules in for a change

Continued from Page B-1

and other waters where a fixed amount of pollutants can be discharged without penalty. The idea is to use the water to dilute potentially harmful compounds so they won't hurt fish or other wildlife, or people, outside the mixing zone. Cohen and others felt Hickel's mixing zone rules were too lax.

The state also will set up rules to determine acceptable levels of cancer-causing chemicals that might be absorbed by fish that people eat, said Gene Burden, environmental conservation commissioner.

The compromise was reached Tuesday when the governor's staff met with business and conservation leaders.

Hickel's top environmental officials devised the new rules mainly to help wood-pulp mills and to speed the development of new mines, including the planned A-J mine near Juneau. Many pro-business groups had said the state's previous water-pollution standards were too harsh and hurt businesses. On Wednesday, one business supporter appeared satisfied with Knowles' compromise, which retains some of Hickel's rules.

"Certainly, there are areas in which we would have preferred a different outcome," said Becky Gay, who heads the Resource Development Council, a trade group. "Nevertheless, we believe the Knowles administration has made a good faith effort to address the concerns of both sides."

State officials plan to begin meetings with interested parties next month with business and conservation leaders to work out details of the new water-quality standards, which could be in place within six months, Burden said.

State leaders said working out a compromise will benefit the business climate and the environment, Knowles told reporters. "This is a very positive step forward from the gridlock and confrontation and hard feelings that were there before."

FORUM / LETTERS

Costs outweigh benefits of tougher water standards

By BECKY GAY

COMPASS
POINTS OF VIEW FROM OUR COMMUNITY

In a state with so much water it is understandably hard for most people to grasp the implications, costs and benefits of Alaska's [illegible] water quality standards signed into law in December.

The standards are used for setting pollutant limits in wastewater discharge permits issued to industries and local communities. Limits are used to control discharges and prevent contamination of state waters and fish [illegible] the statistical possibility of some hypothetically affected population getting cancer from ingesting polluted water or fish.

For a reality check, the [illegible] of dying [illegible] in the United States [illegible] the current Alaska standard for wastewater discharges has been set at the [illegible] limit of one in [illegible].

Why? Because although risk assessment may be a science, risk management is definitely policy driven, not something science can determine.

Risk is one of the least understood concepts at the heart of the debate over Alaska's water quality standards. Those advocating even stricter standards reflect a broader public perception about risk. This perception [illegible] demands that require large amounts of [illegible] and attention [illegible] affected [illegible] [illegible]

[illegible] of gains. While arguing about minute elements, large obvious risks remain unfunded.

For instance, in Alaska, the lack of rural drinking water and sanitation systems poses a far greater threat to public health that outweighs any marginal health benefit gained from changing the risk level from one in [illegible] to one in 1 million.

Risk is calculated from many variables. The calculation that produces the one in 100,000 risk level is based on an assumption of hypothetical people eating contaminated fish for 70 years. In short, people not eating contaminated fish nor drinking contaminated water face a risk much lower [illegible] or completely absent. Because of such conservative assumptions, the true individual risk for most Alaskans is far lower since they are not part of an affected population.

Alaskans eat a lot of fish. But whether we eat more than five pounds of contaminated fish per year is the actual question, and how many contaminated fish do you think you ate last year?

"[illegible] right!" Remember, only an affected population faces the [illegible] level under debate, and [illegible] [illegible] Alaskans [illegible] contaminated fish [illegible] 70 years.

I implore Alaska fishing groups to help set the record straight whether or not Alaska fish are more contaminated. If true, that certainly sends a mixed message to our markets regarding Alaska's seafood quality, which the Resource Development Council maintains is the best.

Although risks are minuscule by definition, the costs of managing society's risk aversion are huge. Perceived risk is even more of a societal burden to afford when one considers the competition for scarce resources (money) that could divide urban and rural Alaska communities already fighting to comply with even stricter limits.

Generally, it is a tenet of [illegible] public policy when the [illegible] costs are immense and the marginal benefits are small. This is exactly what will occur if the present water quality regulations get any more onerous.

If the human health risk level is raised to one in 1 million, the cost for advanced treatment will cause the average utility rate across Alaska to increase approximately [illegible] percent. Rates in Ketchikan are estimated to increase by 521 percent, Nome by 295 percent, Juneau by 241 percent and Sitka a whopping [illegible] percent. Here, where half the state population lives, the Municipality of Anchorage estimates that rates would increase [illegible] percent [illegible] will be [illegible] the [illegible] [illegible]

> *Perceived risk is even more of a societal burden to afford when one considers the competition for scarce resources (money) that could divide urban and rural Alaska communities already fighting to comply with even stricter limits.*

public sewage systems) or by the consumer (for upgrades to industrial systems) who will see little, if any, commensurate benefit.

The Resource Development Council believes Alaska water quality regulations should be both technologically achievable and economically feasible. The existing one in [illegible] standard already requires sampling accuracy for some constituents beyond the limits of testing equipment.

The council also believes standards should not be so restrictive that discharges must be cleaner than drinking water. Does it make sense to follow bad examples set by some states that adopted the stricter risk limits and now operate under de facto exemptions because dischargers like municipal treatment facilities cannot meet the limits?

The public record clearly has shown widespread support for the current regulations that are the product of an intensive, [illegible] public process [illegible] [illegible] 12 [illegible]

teleconferences, two public comment periods running 213 days and three two-day meetings of a State Water Quality Advisory Group, and this latest administrative review. Isn't it reasonable to have some finality to a public regulatory process [illegible] as this?

Let Alaska give the regulations a chance to work. Write Commissioner Gene Burden at the Department of Environmental Conservation and give him support to retain the current regulations that provide a high level of protection for Alaskans without placing too many overwhelming restrictions on local communities and industry. For additional briefing materials, call the Resource Development Council, 276-0700. Deadline: April 15.

Becky Gay is executive director of the Resource Development Council for Alaska Inc., now celebrating its 20th year of educating on Alaska resources issues.

ADN 4/24/95 VOL

The Anchorage Times

Publisher: BILL I. ALLEN

"Believing in Alaskans, putting Alaska first"

Editor: DENNIS BRADLEY PAUL JENKINS WILLIAM J. ZOBIN

The Anchorage Times's publication in this segment of the Anchorage Daily News does not represent the views of the Daily News. It is written and published under an agreement with former owners of The Times in the interests of preserving a diversity of viewpoints in the community.

Expensive flush

IT'S UNLIKELY that many residents are giving serious thought to the state's water quality standards now under review by the Alaska Department of Environmental Conservation.

But if local sewer bills increase by more than 400 percent as a result of new water discharge regulations requested by environmental activists, the residents will not only take an interest, they probably will be up in arms.

The state's water quality regulations were signed into law by Gov. Walter J. Hickel on Dec. 5, 1994 — the day he left office. The Hickel administration had worked on developing those regulations for about three years, during which there were numerous opportunities for public comment.

The Sierra Club Legal Defense Fund, however, challenged the process. It petitioned the new administration to suspend or repeal the water quality standards that had just been enacted. Gov. Tony Knowles responded by ordering an additional public review period for the regulations.

It is important to note that Knowles did not signal an intention to make any changes in the new water quality law. Neither did he suspend or repeal the regulations as requested. He only provided an additional comment period, which ended last week.

THE MERE POSSIBILITY, though, that Sierra Club lawyers might prevail in persuading the new administration to rewrite the law got the attention of Anchorage's elected officials, as well as numerous other local government and business leaders across the state.

According to written testimony from Mayor Rick Mystrom, for instance, the state's water quality standards already "are highly protective of the environment and in some cases are more restrictive than federal standards."

It would cost Anchorage hundreds of millions of dollars, he said, if the state were to adopt the changes requested by the environmentalists — "and unfortunately result in little or no measurable improvement to the environment."

Among changes requested by the Sierra Club is one that would require municipal wastewater dumped into the Inlet to be 10 times purer than the ocean water into which it is discharged.

Complying with such a bizarre standard would require construction of new water treatment facilities. Mystrom says sewer bills for single family dwellings in Anchorage would increase to $109.70 a month, from an existing rate of $21.65. The mayor endorsed a resolution that the Anchorage Assembly passed unanimously earlier this month. It requests simply that DEC retain the current water quality standards as enacted last December.

We trust that Anchorage's former mayor, now the governor, will take the city's concern to heart.

The Anchorage Times

8/25/95

Publisher: BILL J. ALLEN
"Believing in Alaskans, putting Alaska first"
Editors: DENNIS FRADLEY · PAUL JENKINS · WILLIAM J. TOBIN
The Anchorage Times commentary on this segment of the Anchorage Daily News does not represent the views of the Daily News. It is written and published under an agreement with former owners of The Times in the interests of preserving a diversity of viewpoints in the community.

Water quality

THE KNOWLES administration has good reason to celebrate this week's general accord reached with environmentalists and industry over revised water quality regulations for the state. From all accounts, the process followed by the administration in developing a consensus was fair and the final result appears balanced.

Neither side got all that it wanted, but each is signaling it can accept the compromise.

Count us among the skeptics who doubted such a result was possible. We voiced our concern earlier this year when Gov. Tony Knowles ordered the Department of Environmental Conservation to review the state's water quality regulations that were signed by the previous administration on its last day in office.

The Sierra Club Legal Defense Fund petitioned for the repeal of those regulations and although the new administration did not grant the request, it agreed to reopen the process to more public discussion. That sent shudders through the mining, timber and oil industries — and throughout state communities that treat, process and discharge wastewater. There was much apprehension that any changes to the water quality regulations would result in extraordinary expense for all concerned.

That kind of worst-case scenario, as it turns out, did not occur. Instead, the Knowles administration appears to have achieved that oft-sought middle ground that protects the most important objectives of both sides in the debate.

In announcing resolution of the issue Wednesday, Gov. Knowles said, "Industry benefits from having clear standards to work with and from knowing that the administration is willing to work with them to resolve regulatory disputes. And all of Alaska's family benefits from having high standards for the protection of our precious liquid assets."

It's understandable that the governor should feel good about his accomplishment. But as he knows, the debate is by no means over regarding this particular issue.

The compromise itself ensures there will be more give and take to come. For instance, adding a new set of regulations requiring protection of "outstanding national resource waters" is sure to generate legal challenges down the road. Yet-to-come standards for regulating hydrocarbon particulates and total suspended solids, and a further review of mixing zone restrictions all promise more controversy and debate.

That's how it should be. Ongoing review, debate and revision of state water regulations are anticipated in the federal law that provides states the authority to regulate water quality.

An open public process that allows all sides to be represented at the table, as has happened up to this point, is the best way to address these complex issues and serve the state's best interest.

ADN 01FEB95

State agrees to review rules on water quality

The Associated Press

JUNEAU — The Knowles administration has agreed to reopen for public review key sections of water-quality standards adopted on the final day of Gov. Wally Hickel's term.

Department of Environmental Conservation Commissioner Gene Burden has decided to accept additional public comment between Feb. 13 and April 19 on some sections of the new regulations.

Burden made the decision in response to a Jan. 12 petition from the Sierra Club Legal Defense Fund, which represents several groups that have criticized the rules as too lax.

The Alaska Clean Water Alliance, United Fishermen of Alaska and Alaska Wilderness Recreation

Please see Page D-4, WATER

WATER: New standards to get review

Continued from Page D-1

and Tourism Association have alleged that the rules actually weaken water-protection standards and threaten public health.

The Hickel administration had defended the rules and said they would protect the state's water bodies from pollution.

Industry generally supported the rules. A mining association official said reopening the regulations would bring uncertainty to the mining and oil and gas industries.

Sections reopened to public review are those dealing with mixing zones and treatment works, sediment, petroleum hydrocarbons and human health-risk levels.

Mixing zones are areas where water-quality standards can be exceeded as pollutants are released into, and diluted with, public waters. Such zones have been proposed by developers of the Kennington and Alaska-Juneau gold mines.

Critics of the new rules had wanted several sections of the rules suspended, but the rules will remain in effect during the new public review period, DEC special assistant Ernie Piper said.

"We're not overturning the regulations ... we're not slowing down any permit reviews," Piper said. "At the same time, we're going to be as responsive as possible to public concerns."

Changes could be made to the rules after the comment period, Piper said.

7.

Fairbanks News Miner 4/22/96

Miners upset by rules

'hanges proposed o arsenic levels

y HEATHER ROBERTSON
taff Writer

Mike Mathers/News-Miner

MOVING ON—Don May Sr. stands above the equipment yard at Polar Mine Inc.'s Lower Gold Mine off Murphy Dome Road Thursday. May stepped down from the company as president and chief executive officer in November, turning the enterprise over to his sons.

Disputes over draft National ollution Discharge Elimination ystem mining permits are one ep closer to being resolved if roposed changes to arsenic vels in discharge water are ap- roved.

Since the Environmental Pro- ction Agency, Department of nvironmental Conservation and laska Mining Association met ith local miners March 15 for "all hands on the table" dis- ssion, negotiations regarding e proposed draft NPDES gen- al permit for placer mining in aska have led to a partial greement.

Officials within the last month ve proposed revised arsenic vels in the general draft permit. he current placer mining draft rmit has miners meet an ar- nic level of 0.18 parts per bil- n, which has drawn fire from ining interests statewide. To mpensate, EPA plans to re- uire miners to take monthly te-specific examples of back- ound levels which would give erage limits. Limits found uld vary from required levels in e current permit.

"Each miner would be granted site-specific arsenic limit based samples taken of arsenic in the background levels in the re- ceiving water. Miners would then get relief from the current 0.18 ppb levels," said Tim Hamlin, as- sistant legal counsel for EPA.

Of the obstacles faced in the ongoing petitioning sessions, one of the challenges faced has been what defines natural background. The dilemma revolves around state requirements regarding current water quality standards. Miners are hoping for a solution that isn't unduly expensive or impossible to meet.

Don May, owner of Polar Mining, Inc., a placer gold mine in operation in the Goldstream Valley for 46 years, said regula- tions regarding arsenic levels in the draft permit are unjust.

"We are a local mining com- pany struggling to make ends meet. The regulations aren't fair, they are unmeasurable. The city of Fairbanks has upwards of 50

See MINING, Page A-8

Fairbanks Daily News-Miner, Monday, April 22, 1996

MINING: Miners, regulators seek compromise on arsenic levels

ntinued from Page A-1

s for arsenic levels for drinking water. If we as miners take a gallon of city ter and put it into the Chena River, we n violation with current regulations, because we are miners," said May. PA has set themselves up for some huge walts. They should think clearly before pursue this avenue."

On Monday, the state Senate passed nt Resolution 39 by a 14-2 vote, re- esting that the EPA withdraw its set- ment in a lawsuit filed by the Sierra ib Legal Defense Fund on behalf of nerican Rivers and the Northern Alaska vironmental Center.

Mining representatives are hopeful that Senate's support will bolster efforts to negotiate the permit with approval by e fore the upcoming mining season.

"The state has taken what seems to be a reasonable approach to the permit pro- cess," said Steve Borell, executive director of the Alaska Miners Association. "We are pleased that they have taken such a posi- tion. Exactly where it goes from here is not certain."

With representatives from DEC, DNR, Fish and Game, and petitioners d ding n legal wording, mining representatives have hopes of seeing a level of mutually satisfactory language emerge in the new permit. In some areas, representatives have had agreements, in other areas nego- tiators have exchanged views only.

"We don't know what the decisions are going to be in this thing. There were a multitude of terrible errors in that permit. Many things were stupid, to put it mildly. EPA must surely recognize that," said Bo- rell. "If EPA comes out with a different permit other than the draft and issues an- other permit with changes, what it will look like, we don't know."

Through lawsuits against the EPA by special interest groups such as American Rivers and the Sierra Club, mining and prospecting is now highly restrictive on the historical gold mining portions of the federal Wild and Scenic Rivers of Alaska. Fines for mining without a proper permit of up to $25,000 a day can be handed down from the EPA, affecting established mining companies and tourists involved in recreational mining.

"Tourists were never notified that they couldn't mine. With substantive changes to permits, thousands of people have no way to know or comment," said Borell. "The fact that notification to both tourists and miners was not effective is a major flaw in the EPA process. EPA did not ad- dress the people who were going to be im- pacted by the proposed permit."

He added, "If you're fined, it is one thing if you are breaking the law and know it. It is another if requirements are so nebulous and bad that you can't operate at all. The choice is either to shut down or operate under the letter of the law and still risk penalties."

Hamlin said the EPA doesn't know when it will issue the final new permit. Stating that it may be in the next few months, he said the agency has not de- cided how to ease the transition from the old to the new permit, but intends to do so with the least possible disruption to miners.

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A Brief History of the Classification of Alaskan Waters

From a Review of Water Quality Objectives/Standards Since 1949

1949 The Alaska Water Pollution Control Board was established by the territorial legislature under the authority of Chapter 117, titled simply "An Act". The Alaska Water Pollution Control Board was responsible for administration of the Alaska Water Pollution Control "Act" to safeguard Alaskan waters from pollution and establish standards of water purity which affect public health, fish and wildlife, recreation and industrial development.

According to Amos Alter (Person. comm., 1992), Director of the Division of Sanitation and Engineering for the Alaska Department of Health in 1949, there was only one person assigned to actively administer the water pollution control program. It wasn't possible for this one person to classify all Alaskan waters for different uses. It was also generally believed by the Board that Alaska had a unique chance to protect it's pristine waters, unlike states that already had many polluted waterbodies. Therefore, it was determined that Alaskan waters should be generally protected for the highest water use. This was "water supply and their sources." Initial limits were provided by the US Public Health Service (USPHS) and included federal Drinking Water Standards.

1952 The first 'Water Quality Objectives' table of standards was produced. This is found in a paper titled, "Pollution Control Council, Pacific Northwest Area". It was developed through the coordination of the engineering representatives from pollution control agencies in Alaska, British Columbia, Idaho, Montana, Oregon, and Washington. These standards were applicable to those regions and the Territory of Alaska.

It is in this table, "applicable to the receiving waters for salt and fresh surface waters and underground waters," that the first employment of protecting waters for the highest water use is evident. For example, for the parameter "toxic, colored or other deleterious substances", the USPHS standards applied to four of the five listed water uses.

1959 The Territory of Alaska became the State of Alaska. Concurrently, the Alaska Administrative Procedure Act became effective. Water Quality Objectives were published in the Administrative Code, Title 7, under Health and Welfare. The Water Pollution Control Board was disbanded. The Water Quality Objectives were under the broad authority of A.S. Title 46, (Water) and A.S. Title 16, (Fish and Game). The Commissioner of Health and Welfare after conducting public hearings, could establish standards and/or group the designated waters of the state into classes.

The Water Quality Objectives adopted by the State of Alaska were the same table established in 1952 by the Territory.

1952 - 1979 For 27 years the original work and intent of the Alaska Water Pollution Control Board and the Pacific Northwest Council were repeated in succeeding Water Quality Standard (WQS) revisions. Clarifications in language and some modifications were made but these did not change the character of the original work. Key elements in the classification of state waters follow:

1. It was possible through public hearings to reclassify waters for specific uses. If waters were not reclassified, the "highest water use" superceded the other uses for a given waterbody.

2. The burden of justifying a reclassification was placed on those wishing to reclassify a waterbody.

3. In 1970, Ward Cove in Ketchikan, Ship Creek in Anchorage, Chena River, Fairbanks, and Silver Bay in Sitka were classified for specific uses as were all coastal waters. In 1971, both Ward Cove and Silver Bay were deleted from the reclassification list.

4. In 1973 the following significant clarification was made: "If waters have more than one use, the most stringent water quality criterion of the the uses shall apply." Up until 1979, numeric limits were primarily found in the USPHS Drinking Water Standards because other criteria had not been developed. It became more evident with this wording clarification that criteria and designated uses were integral parts of a water quality standard.

The Department of Environmental Conservation was created in July of 1971 as a split off from the Division of Environmental Health in the Department of Health and Welfare. DEC made few changes in the 1971 Water Quality Standards from previous Department of Health and Welfare standards. Reclassification required public hearings, the approval of the Commissioner of DEC and concurrence by the Administrator of the EPA for interstate waters.

1979 In 1979 significant changes were made in style, format and content of the WQS. Water quality criteria applicable to each use were significantly broadened in scope and detail. It was in this revision that aquatic life criteria made their first appearance with the adoption of federal criteria from the 1976 Red Book for the parameter of "toxic and other deleterious organic and norganic substances." The USPHS Drinking Water Standards were also replaced by the Alaska Drinking Water Standards. It was now stated that between the Drinking Water Standards and the aquatic life criteria, the more stringent should be chosen as the applicable criterion. This practice continues today and in most cases, EPA's aquatic life criteria are more stringent than the Drinking Water Standards.

In general, the WQS took a more restrictive turn in 1979. There were many more stipulations that had to be met before a waterbody could be reclassified. For the first time, there was a section that noticed waterbodies ineligible for reclassification (parks, refuges, etc.). Another section spelled out what conditions defined the designated uses. To eliminate a use for a given waterbody it would have to be proven that those conditions did not exist. Ship Creek and marine waters were deleted from the reclassified list in this revision.

Key points are that although significant alterations were made in 1979, it was still quite possible to reclassify a waterbody after public hearings and the approval of the Commissioner. The burden of proof was on the applicant and the applicant only had to address "existing uses" of the waterbody in the reclassification procedures.

1979 - 1987 During this period, amendments were proposed and adopted through the public process, but no comprehensive Water Quality Standard document was published with the incurred changes. No significant amendments were made concerning reclassification of waterbodies during this time.

In 1982 one important amendment was the adoption by reference of federal aquatic life criteria for 34 compounds or classes of compounds listed in the 1980 EPA Ambient Water Quality Criteria documents. This adoption by reference includes the bulk of the numeric criteria in effect today. Human health criteria for non-carcinogens also were adopted at that time.

In 1984 Nolan Creek and five tributaries near Wiseman were reclassified for the industrial use.

1987 - Today In 1987, revised Water Quality Standards were published. It was in this revision that aquatic life criteria for nine compounds, published by EPA in 1985, were adopted by reference. The procedures for reclassifying state waters were extensively modified to make them consistent with 1983 EPA regulations. The Clean Water Act does not address procedures for reclassifying state waters. At the time of this revision, two waterbodies remained on the reclassified list, Nolan Creek and Chena River. Although not referred to specifically in the WQS, the department now had to comply with EPA regulations in order to reclassify waterbodies of the state. Significant federal requirements follow:

A) To exclude a designated use through reclassification, it was no longer enough to show that the designated use was not an "existing use" of the waterbody. One also had to prove that the designated use was not "attainable." This provision added a new and more difficult element in the formula for reclassification of state waters. It has proven to be onerous and costly to show that some designated uses might not be attained at some place in time, by some method.

B) EPA's regulations also require that a structured scientific study called a "use attainability analysis" (UAA) must be conducted to prove that a use cannot be attained. Therefore, the decision to reclassify a waterbody is made after conducting a use attainability analysis. The State's request to reclassify must be approved by the Regional Administrator of EPA. High costs of analysis and strict EPA guidelines were prohibitive for considering all suggested reclassifications proposed. Based on these factors, a provision was added in the WQS that the decision on whether to proceed with a reclassification was at the department's discretion.

In November, 1989 an amendment to the WQS included a revision of the section on Classification of Waters. As a result of the Tolovana Use Attainability Analysis, the Department removed some protected use classes from 14 streams or segments of streams in the Tolovana River Basin. The cost to the state was extensive and it proved to be very difficult to eliminate significant "attainable" uses that would satisfy the original intent of the applicant. In the final analysis, the department's cost and efforts to reclassify or not to reclassify rested solely on EPA's final approval. Therefore, even if the department wished to reclassify a waterbody, the department decisions can be vetoed by EPA according to the 1983 EPA regulations still in effect today.

The 1989 WQS revision retained the same procedures for reclassification adopted in 1987, and they remain the same today.

ALASKA WATER QUALITY REGULATIONS

Summary of Actions

	Issue	*Discussion*	*Action*
1. **ANTI-DEGRADATION**	Adding a requirement to protect Outstanding National Resource Waters ("ONWR") to existing law that 1) protects current water uses, and 2) maintains existing water quality that exceeds minimum standards	The absence of a section on ONRW is a deficiency in current regulations. Federal law requires protection of high quality waters such as a water of a national or state park or wildlife refuge or a water of exceptional recreational or ecological significance.	Adopt additional antidegradation provisions identical to current federal law that protects ONRW.
2. **TREATMENT WORKS**	These are facilities or bodies of water used to treat and/or dispose of sewage or industrial waste, such as municipal treatment plants, sewage lagoons or constructed drainage ditches.	Current regulation authorizes treatment works in natural water bodies. DEC is repealing this section because it is redundant with existing permitting laws administered in DEC's Solid Waste and Domestic Waste Water programs. The repealed section also confuses treatment methodologies with water quality standards.	Repealed.
3. **PETROLEUM HYDRO-CARBONS**	These are found in oil or diesel and are limited in wastewater discharges to protect water quality.	Current law prohibits surface oil sheens and film, but does not measure particulate hydrocarbons or nonaromatics; however, neither did the former regulations. The current regulations more accurately measure the most toxic dissolved hydrocarbons available to aquatic organisms and thus are superior to the former regulations. However, DEC will investigate the need for a particulate standard. DEC concluded that the present "Note 8" describing methodology and analysis for petroleum hydrocarbon testing is confusing and deficient. DEC is amending the regulation to clarify required analytical measurements.	Repeal Note 8 regarding analytical standards and adopt Note 8 from August 1993 version. Conduct research of need for a numerical particulate standard by July 1996.
4. **SEDIMENT**	"Sediment" can be interpreted as settleable solids or as total suspended solids which includes both settleable and nonsettleable solids.	Before the December 1994 changes, the water quality standards defined "sediment" as total suspended solids which includes both settleable and nonsettleable solids, but established a numerical criterion only for settleable solids. DEC's change clarified that settleable solids is the regulated parameter. There is no criteria established for TSS. Neither EPA nor the Region 10 states have a TSS criteria.	Retain existing section. Complete study of the need for TSS standard and report by July 1996.
5. **MIXING ZONES**	These are designated areas of a waterbody where wastewater enters and mixes with the receiving water. The water quality standards can be exceeded within a MZ to dilute the wastewater discharge, but standards must be met at and beyond the zone boundaries.	The current regulations provide better MZ management controls by setting stricter standards for human health exposures in the vicinity of a proposed MZ, establishing previously lacking criteria for mixing zones in fresh water rivers and streams, and establishing control technology prerequisites. DEC retains the authority to grant or deny a MZ based on the factual data presented. Despite the improvements, there is a need to revisit the regulations to clarify a number of issues, such as size limits for rivers and streams, toxics and lethality.	Initiate rule making in September 1995. Prepare interim guidance for MZ evaluation ASAP and complete guidance by April 1, 1996.
6. **RISK LEVEL**	The adoption of a risk level was in response to federal law; however, the state has not developed the human health criteria necessary to effectuate the standard.	EPA devised a mathematical equation composed of factors such as risk level, contaminated fish consumption rates, body weights and contaminated water consumption. When presented with three choices DEC adopted the middle risk factor of 1 in 100,000 (or 10^{-5}). No other parameters necessary to this equation have been defined so national default standards apply. There are 54 carcinogens for which human health criteria could be established; however, DEC can limit the discharge of a toxic as appropriate to protect public health.	Recommend no change and initiate rulemaking to determine Alaska-specific values.

Industry and Environmental Representatives Hail Cooperative Process

GOVERNOR TONY KNOWLES ANNOUNCES RESOLUTION ON WATER QUALITY STANDARDS

Need more information?

Please contact
The Office of the Governor
PO Box 110001
Juneau AK 99811 0001
(907) 465 3500
Internet http://www.state.ak.us

Anchorage
3601 C St, Suite 758
Anchorage, AK 99503
(907) 269 7450

Fairbanks
675 7th Ave, Station H
Fairbanks, AK 99701
(907) 451 2820

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121 W Fireweed Lane, Suite 250
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OFFICE OF THE GOVERNOR
TONY KNOWLES
JUNEAU, ALASKA

Calling it one of the major achievements of his Administration to date, Governor Tony Knowles ha announced the resolution of a long standing dispute over water quality standards for Alaska designed to be user-friendly to industry but tough enough to protect the state's environment. The regulations are the result of months of intensive work by the Knowles Administration and represent a broad acceptance by state, industry, and environmental representatives.

"This decision is very important for Alaska jobs and families," Knowles said. "Industry benefits from having clear standards to work with and from knowing that the Administration is willing to work with them to resolve regulatory disputes. And all of Alaska's family benefits from having high standards for the protection of our precious liquid assets."

"Governor Knowles and Commissioner Burden were successful in bringing the parties together to discuss the state's decision," said Judy Brady, Executive Director of the Alaska Oil & Gas Association. "While differences of opinion remain on individual components of the package, today's decision brings this phase on water quality to closure and sets the stage for further coordinated efforts on the standards."

"Governor Knowles and ADEC have charted a course that we hope will lead to correction of the major weaknesses in the recently adopted water quality standards," said Eric Jorgensen, managing attorney for the Sierra Club Legal Defense Fund. "In particular, we are pleased that ADEC has decided to re examine fully the mixing zone regulation and expect that the Governor's proposal will reflect the high priority Alaskans place on clean water."

"Certainly there are areas in which we would have preferred a different outcome in these regulations, nevertheless we believe the Knowles Administration has made a good faith effort to address the concerns of both sides," said Becky Gay, Executive Director of the Resource Development Council. "This agreement allows us to move on and resolve other important water quality regulatory issues."

"The Governor has re stated his commitment to the protection of Alaskans by taking a conservative approach for discharges containing carcinogens, repealing the new regulation on treatment works, and initiating a rulemaking that will establish standards that address Alaska specific human health criteria," said Gershon Cohen, director of the Alaska Clean Water Alliance.

ALASKA MINERS ASSOCIATION, INC.
801 W. Northern Lights Blvd., Suite 203, Anchorage, Alaska 99503 FAX: (907) 276-7997 Telephone: (907) 276-0347

April 24, 1995

Honorable Norm Rokeberg
Alaska State House of Representatives
Capitol Building
Juneau, AK 99801

RE: HB-342, Relating to Water Quality

Dear Representative Rokeberg,

The Alaska Miners Association wishes to go on record in support of CSHB-342(RES), relating to water quality.

This bill will clarify several items in State law regarding water quality. The bill is needed to insure that when changes to federal laws make them less restrictive, State regulations are also changed in a timely manner. Changes to federal law are likely to mandate strict time frames for the states to adopt changes that become more stringent but not if the requirements become less stringent. This bill addresses this latter case.

The bill also includes provision where the State can be more stringent than federal law or can write regulations to address items not covered in federal law if it can be justified.

Thank you for your efforts on this important issue.

Sincerely,

Steven C. Borell, P.E.
Executive Director

ALASKA MINERS ASSOCIATION, INC.

501 W. Northern Lights Blvd., Suite 203, Anchorage, Alaska 99503 FAX: (907) 278-7997 Telephone: (907) 276-0347

Date: 4/24/96

Control Number: _____

TELECOPY COVER PAGE

TO: Name: Rep Rokeberg Fax Number: 907-465-2940

Name: _____ Fax Number: _____

Name: _____ Fax Number: _____

Company: _____ cc: Marilyn Crockett

Location: _____ Becky Gay

Paul Richards

FROM: Name: STEVE BORELL Fax number: (907) 278-7997

NOTES:

RE: HB347

— Pls note items we feel need to be changed in the Senate.

— Our support letter will follow soon.

— Let me know if these changes cannot be made.

— There are (6) changes, numbers circled, not counting the amendment page.

Steve Borell

PAGES TO FOLLOW -5- (Not including this cover page.)

9-LS1141\G
Lauterbach
4/13/96

CS FOR HOUSE BILL NO. 342( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE ROKEBERG

A BILL

FOR AN ACT ENTITLED

"An Act relating to water quality."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 46.03 is amended by adding new sections to read:

Sec. 46.03.085. WATER QUALITY STANDARDS; MEASUREMENTS. (a) Except as otherwise provided in AS 46.03.087, the measurement of constituents to determine whether a permittee is in compliance with permit limitations based on water quality shall be by methods approved in writing by the United States Environmental Protection Agency or by substantially equivalent methods approved by the department.

(b) The measurement of sediment to determine whether a permittee is in compliance with permit limitations based on water quality shall be by the volumetric Imhoff Cone method.

(c) Except as provided in AS 46.03.087, the department may not adopt a water quality standard or other regulation relating to water quality that is more restrictive than applicable federal water quality standards or regulations. Promptly, but no later than 12 months, after the effective date of a change in, or elimination of, a federal

water quality standard, the department shall either propose regulations that amend the state's water quality standards to incorporate the change or elimination or follow the process required under AS 46.03.087(b). If, after the public hearing required under AS 46.03.087(b), the department is unable to make the written findings required under AS 46.03.087(b)(4), the department shall propose regulations that amend the state's water quality standards to incorporate the change or elimination of the federal water quality standard.

(d) In adopting and applying water quality standards, the department

(1) shall ensure that the standards are sufficient to protect human health and maintain the state's aquatic productivity;

(2) shall consider the natural condition of bodies of water;

(3) shall use scientific justifications and water quality criteria that can be reliably measured; and

(4) may not require discharged water to be of a higher quality, in a more restrictive use classification, or otherwise cleaner than the natural condition of the water into which the discharge is made.

Sec. 46.03.087. SPECIAL PROCEDURES FOR CERTAIN WATER QUALITY REGULATIONS. (a) The department may, after following the procedures in this section, adopt a

(1) water quality standard or discharge standard that is more restrictive than applicable federal water quality standards or discharge standards;

(2) water quality standard or discharge standard for which there is no corresponding federal water quality standard or discharge standard; or

(3) regulation that allows the use of a method that is not substantially equivalent to methods approved by the United States Environmental Protection Agency for the measurement of constituents to determine whether a permittee is in compliance with permit limitations relating to water quality.

(b) In order to adopt a standard or regulation governed by (a) of this section, the department shall

(1) hold a public hearing on the proposed standard or regulation;

(2) at least 30 days before the hearing under (1) of this subsection,

make available to the public, at convenient locations, copies of the proposed standard or regulation and the findings of the department that describe the basis for adoption;

(3) prepare a written analysis of the economic feasibility of the proposed standard or regulation; and

(4) find in writing, as applicable, that

(A) hydrologic conditions or discharge characteristics in the state or in an area of the state reasonably require the water quality standard, discharge standard, or method of measurement to protect human health and welfare;

(B) the proposed standard, regulation, or method of measurement is technologically feasible; and

(C) hydrologic conditions or discharge characteristics are significantly different in the state or in an area of the state from those upon which the corresponding federal standard or regulation is based.

* Sec. 2. REVIEW OF REGULATIONS. (a) The Department of Environmental Conservation shall, by August 1, 1997, review its water quality regulations that are in effect on the effective date of this Act in order to determine if they comply with federal requirements and are not more stringent than applicable federal regulations. If the review indicates that there are state regulations that are more stringent than applicable federal regulations, the department shall determine whether it could justify those regulations under the requirements of AS 46.03.087(b)(4), enacted by sec. 1 of this Act. If the department determines that it cannot meet the requirements of AS 46.03.087(b)(4), the department shall propose the necessary revisions to the regulations.

(b) The Department of Environmental Conservation shall, by January 1, 1998, report to the legislature concerning its review and proposed revisions required under (a) of this section.

BALLARD & ASSOCIATES
705 Main Street
Ketchikan, Alaska, 99901

F A X M E M O

DATE:	April 25, 1996	TIME:	10:10 AM
TO:	Kent Dawson	PHONE:	465-3762
		FAX:	
FROM:	Ernesta Ballard	PHONE:	247 9806
		FAX:	247 0872
RE:			
CC:			

Number of pages including cover sheet

Message

Better late than not at all Some comments about HB 342

Attached is the first quick fax which I sent to Thyes Since that first effort I have read the bill more carefully. It appears that the underlying effort is to achieve a review and revision of portions of the existing Water Quality Standards The logic of the bill is:

1. the state may not set standards which are more stringent than federal standards
2. there may be an exception to #1, but if the exception is used, then an economic impact determinaton, or fundamentally different factors finding must be completed.
3. there will be a transition period during which existing standards must be reviewed to determine if they satisfy the requirement set out in #1.
4. if existing standards are found to be more stringent than federal standards, then the process in #2 must be followed

In other words, this effort appears to be intended to require a revision to State Water Quality Standards without doing so directly. Also see the points raised in the other fax memo

I'm in my office today Call if you want to discuss

cc Thyes

BALLARD & ASSOCIATES
705 Main Street
Ketchikan, Alaska, 99901

F A X M E M O

DATE:	April 22, 1998	TIME:	6:28 PM
TO:	Thyes	PHONE:	465 5118
		FAX:	1 907 463 5128
FROM:	Emesta Ballard	PHONE:	247 9806
		FAX:	247 0872
RE:	HB 34?		
CC:			

Number of pages including cover sheet

Message

I do not have the Alaska Statutes at home. I will go to John Peterson's office tomorrow for a more thorough review

In general, I do not like this legislation. I believe that the legislature should not restrict their future ability to pass whatever laws are necessary to accomplish their mission. I especially don't like the fact the the bill proposes a method bypass its own purpose in the second section

Some general comments:

"Sediment" at line 9 page 1: what the author means is settleable solids. Sediment is different. The imhoff cone measures solids floating in the water which are the kind which you can shake up in a glass of water, and which are heavy enough to settle. Sediment includes material that already exists on the bottom, silt from rivers, organic material etc...

lines 1 - 11 page 2. This section gives the impression that "requests" are readily responded to by the department with a regulation changing "rule making". The department is not obligated to respond to any and all requests There is already a perfectly good procedure in place for initiating regulatory change There also are perfectly good procedures in place for public review and response. I don't unerstand what is driving this section

page 2 line 18 this section confuses the regulatory process. Water quality standards are set for receiving water. The discharge, which is usually called "effluent" is subject to both technology and component restrictions which are detailed in a permit. The state does not write the permits because it does not have primacy in the water program therefore EPA actually writes the permits. The state sets water quality standards for the receiving water by which EPA is guided. The existing standards already make it clear the naturally occuring

conditions may be substituted for state criteria if they are present, and less "stringent" than the criteria would be. The existing standards also provide a perfectly good procedure for establishing site specific criteria if neither the state criteria or natural conditions apply.

page 3 line 17: "significantly different" needs to be better defined. In what way? economically, physically, meteorlogically? etc..

If the legislature wants to do something to improve the effectiveness and efficiency of water management in Alaska they should concentrate on passing the legislation necessary to run the NPDES program. I just don't understand enough of the background to see what benefit would result from this legislation. Finally, it is poorly worded.

More later.

United States
Environmental Protection
Agency

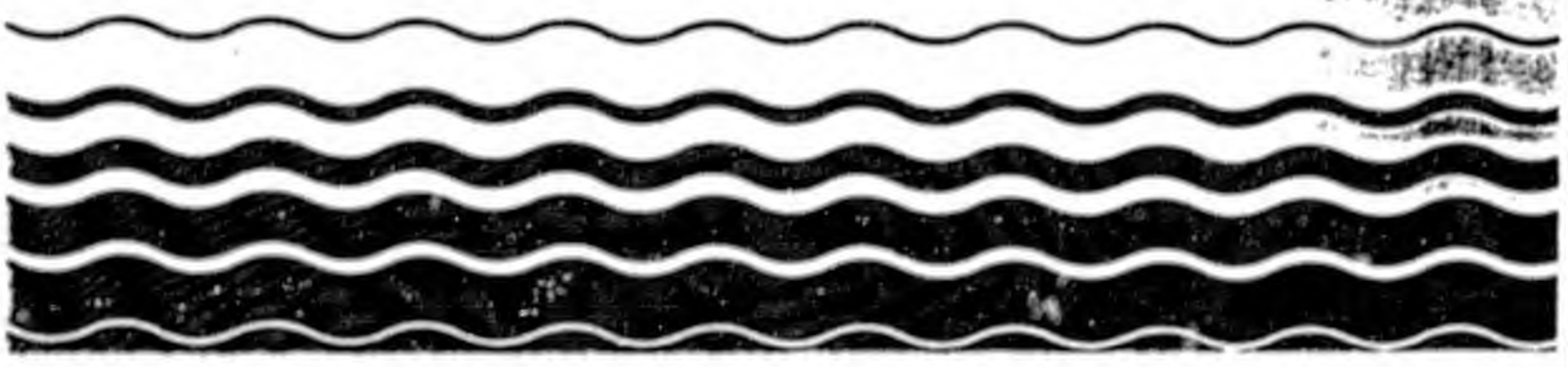
Office of Water
Regulations and Standards
Washington, DC 20460

EPA 440/5 88-089
September 1988

Water

EPA

Introduction to Water Quality Standards



INTRODUCTION

In response to widespread public concern about the condition of our Nation's waters, the U. S. Congress enacted landmark legislation in 1972. This statute, the Federal Water Pollution Control Act amendments of 1972 (commonly referred to as the Clean Water Act of 1972 (CWA)), expanded and built upon existing laws designed to control and prevent water pollution. Successive amendments to the CWA of 1972 (the Clean Water Act of 1977 and the Water Quality Act of 1987) have brought about stronger environmental laws to protect our Nation's waters, one of our most valuable resources.

The water quality standards program is one of the cornerstones of the CWA. Through this program, the States set water quality standards for waters within their jurisdictions. Water quality standards define a use for a waterbody and describe the specific water quality criteria to achieve that use. Water quality standards also contain antidegradation policies designed to protect improvements in water quality.

This publication explains key features of the water quality standards program, in question and answer format, and is intended to provide general information to the public about the program. For ease of reading, the document is divided into sections which correspond to various elements of the water quality standards program (i.e., water quality criteria, adoption of State standards, etc.). The reader is referred to the Supplemental Reading List on page 25 for sources of detailed technical information.

Persons seeking additional information about EPA's water quality standards program may contact:

STANDARDS BRANCH
CRITERIA AND STANDARDS DIVISION (WH-585)
OFFICE OF WATER REGULATIONS AND STANDARDS
U.S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460
(202) 475-7315

TABLE OF CONTENTS

SECTION I.

GENERAL INFORMATION

1. What is the statutory authority for the water quality standards program?

   The water quality standards program operates under Section 303 of the Federal Water Pollution Control Act (commonly referred to as the Clean Water Act, 1972) (CWA) (33 U.S.C. 1313(c)). The current regulations implementing this section of the CWA were published on November 8, 1983 (48 FR 51400) and are codified at 40 CFR 131.

2. What is the objective of the CWA as it applies to the water quality standards program?

   The objective of the CWA as it applies to the water quality standards program is to restore and maintain the chemical, physical and biological integrity of the Nation's waters; and, where attainable, to achieve a level of water quality which provides for the protection and propagation of fish, shellfish and wildlife and recreation in and on the water.

3. What is a water quality standard?

   A water quality standard is a law or regulation which consists of the beneficial designated use or uses of a waterbody or a segment of a waterbody and the water quality criteria which are necessary to protect the use or uses of that particular waterbody. Water quality standards also contain an antidegradation policy.

4. What is the purpose of a water quality standard?

   A water quality standard serves a twofold purpose: a) it establishes the water quality goals for a specific waterbody and b) it is the basis for establishing water quality based treatment controls and strategies beyond the technology based levels of treatment required by Sections 301(b) and 306 of the Clean Water Act, as amended by the Water Quality Act of 1987.

5. Have changes been made in the water quality standards program as a result of the Water Quality Act of 1987?

   The Water Quality Act of 1987 affects the water quality standards program in two significant ways:

   a) It requires States to adopt numeric criteria for toxic pollutants on the Section 307(a) toxic pollutant list when Section 304(a) EPA criteria recommendations are available and where the discharge or presence of those toxic pollutants could reasonably be expected to interfere with designated uses. (See related question Section III, #9).

b) It authorizes EPA to treat Indian Tribes as States for purposes of establishing water quality standards. It also requires EPA to develop a mechanism to resolve unreasonable consequences which may arise when an Indian Tribe and a State adopt differing water quality standards on a common body of water. (See related question, Section IV, #13).

6. Is the United States Environmental Protection Agency (EPA) revising the existing water quality standards regulation published November 8, 1983 (48 FR 51400) at 40 CFR 131 to reflect changes made as a result of the Water Quality Act, 1987?

The EPA will revise the existing water quality standards regulation to establish criteria by which an Indian Tribe can qualify for treatment as a State for purposes of the water quality standards program and to incorporate a mechanism to resolve unreasonable consequences that may arise when Indian Tribes and States adopt differing water quality standards on common bodies of waters.

The EPA will issue guidance to the States for adoption of numeric criteria for toxic pollutants identified on the toxic pollutant list and may amend its regulations to establish legal requirements for adopting water quality criteria for toxic pollutants.

7. Is a water quality standard adopted for each waterbody within a State?

Yes, a water quality standard should be adopted for each waterbody within the boundaries of that State. However, waterbodies may be segmented so that, where appropriate, different standards may exist on different segments of the same waterbody.

8. Who is responsible for establishing water quality standards?

Water quality standards are adopted by the 50 States and U.S. Territories (District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, Guam and the Trust Territories of the Pacific Islands). EPA may also establish water quality standards where the States or Territories fail to adopt appropriate standards.

9. What is the extent to which the Federal government is involved in the water quality standards program?

The EPA reviews new or revised State water quality standards to determine whether those standards meet the requirements of the Clean Water Act. EPA, in its review, also scrutinizes the standards of one State to ensure than they do not interfere with the attainment of standards in the

waters of another State. If EPA disapproves a State's water quality standards, or determines that a new or revised water quality standard is necessary to meet the requirements of the Act, EPA may promulgate water quality standards. The EPA also provides technical guidance and assistance to the States to help them carry out the requirements of the program. (See related question, Section IV, #12).

10. What waters are required to have a water quality standard?

Water quality standards apply to all "waters of the United States" which are defined by regulation to cover most surface waters of the United States and Territories, including most wetlands.

SECTION II.

USES OF A WATERBODY

1. What is meant by the term designated use?

   A designated use is one which is specified in the water quality standards for a waterbody or segment of a waterbody. Such a use may or may not presently be attained.

2. What are some typical uses of a waterbody?

   There can be many uses of a waterbody or a segment of a waterbody. Typical uses include public water supplies, propagation of fish and wildlife, recreational purposes, agricultural, industrial, navigation and other such uses. The EPA does not recognize waste transport as an acceptable use.

3. How are designated uses established?

   States have primary responsibility for establishing uses of a waterbody. Uses may be revised during required periodic State reviews which are conducted in consultation with the EPA and through public hearings. By law, standards reviews must occur at least once every three years.

4. Do designated uses of waters vary by State?

   Each State develops its own use classification system based on the generic uses cited in the CWA. The goals of the CWA setting forth basic uses for support and propagation of aquatic life and recreation in and on the water are used by all States in some form. States may differentiate and subcategorize the types of uses which are to be protected, such as coldwater or warmwater fisheries, or specific species which are to be protected, such as trout or bass. States may also designate special uses to protect sensitive or valuable aquatic life or habitat.

5. What is an existing use?

   An existing use is a use which was achieved on a waterbody on or after November 28, 1975. EPA promulgated its original water quality standards regulation on November 28, 1975, which is the reason for this index date.

6. Why is it important to understand the difference between designated use and existing use?

It is important to understand the distinction because an existing use is one which has been met or attained and cannot be modified or changed unless uses are added which require more stringent criteria; designated uses, on the other hand, may be changed based upon the findings of a Use Attainability Analysis (UAA). (See Section V for additional information about UAA's).

7. How can non-existing designated uses be changed?

States perform Use Attainability Analysis (UAA) to determine the proper use of a waterbody. States may modify or change a non-existing designated use, if attaining the use is not possible, due to the existence of one or more of the following factors:

a) naturally occuring pollutant concentrations which prevent the attainment of the use, or

b) natural, intermittent or low flow or water levels which prevent the attainment of the use, or

c) human caused conditions or sources of pollution which prevent the attainment of the use and cannot be corrected or would result in more deterioration of the environment to correct than to leave in-place, or

d) dams, diversions or other hydrologic modifications which preclude attainment of the use, or

e) physical conditions associated with the natural features of the waterbody, unrelated to quality, which impede atttainment of aquatic life protection uses, or

f) controls more stringent than those required by Sections 301(b) and 306 of the CWA, which would be needed to attain the use, would result in substantial and widespread social and economic impact.

8. What are Outstanding National Resource Waters? How are uses for these waters established?

Outstanding National Resource Waters (ONRW) are high quality or ecologically unique waters such as those within the jurisdiction of National and State Parks and wildlife refuges. The primary intent of establishing ONRW is to protect the highest quality and/or unique waters. The

Outstanding National Resource Waters category also protects waters of ecological significance. These are waters which are important, unique or sensitive ecologically, such as swamps or hot springs, where the commonly applied use classifications and supporting criteria do not always serve to protect such waters.

Outstanding National Resource Waters are designated as such by the States. The States establish the criteria which protect the characteristics which prompted a waterbody to be designated ONRW.

SECTION III.

WATER QUALITY CRITERIA

1. What are water quality criteria and what is the relationship between water quality criteria and the water quality standards program?

   The term "water quality criteria" has two different definitions under the CWA. First, under Section 304(a), EPA publishes water quality criteria which consist of scientific information regarding the concentrations of specific chemicals in water which protect aquatic life or human health. These criteria may be used by the States as a basis for developing enforceable water quality standards. Second, water quality criteria are elements of State water quality standards adopted under Section 303(c) of the CWA. They describe the quality of water which will support a particular use. When criteria are properly selected and met, it is expected that water quality will protect the designated use.

2. Who develops Section 304(a) criteria and in what format?

   Section 304(a) criteria are issued by the EPA and are based on the latest scientific information available on the effect of a pollutant on human health and aquatic life. Section 304(a) criteria are published as guidance documents to assist the States in setting water quality standards and have no force of law.

3. What kind of information is contained in Section 304(a) criteria guidance documents?

   Section 304(a) criteria guidance documents contain two important types of information: a) scientific data on the effects of pollutants on human health and aquatic life and recreation and; b) quantitive concentrations or qualitative assessments of the pollutants in water which will generally ensure water quality adequate to support a particular water use.

4. Is there a summary document which lists EPA's Section 304(a) criteria?

   Yes, the document, Quality Criteria for Water 1986, contains summaries of all the contaminants for which EPA has developed criteria recommendations. The current edition, published in May 1987, is known as the Gold Book.

5. How are concentrations of chemicals or pollutants in water expressed?

   Concentrations of chemicals or pollutants in water are typically expressed as x ug/l (micrograms per liter).

6. Do the Section 304(a) water quality criteria provide protection for humans from contaminants in fish flesh?

Yes. Water quality criteria for the protection of human health from consumption of aquatic organisms are available for most of the toxic pollutants. The criteria are based on the assumption that humans consume 6.5 grams of contaminated aquatic organisms each day and that the average body weight of a human is 70 kg or 150 pounds. These criteria use a specific bioconcentration factor (BCF) for each pollutant derived from laboratory studies and are average values designed to protect human health.

7. How do the EPA water quality criteria based on fish consumption relate to limits developed by the U.S. Food and Drug Administration (FDA)?

The EPA's water quality criteria for fish consumption and limits developed by the FDA serve different functions. The FDA action levels are regulatory numbers which are used to prohibit the sale of fish when contaminant concentrations in fish flesh exceed the FDA limit. The EPA water quality criteria for protection of human health are non-regulatory, scientific recommendations for levels in ambient water, which if not exceeded, will ensure that safe levels are maintained in fish flesh.

8. What are water quality advisories and how will they be used?

Water quality advisories will be similar to Section 304(a) criteria but, in most cases, are calculated from more limited data bases. These documents will contain the best scientific information available concerning aquatic life and human health effects of selected chemicals in surface waters. Advisories are to be issued where guidance is needed but where toxicity data are limited. Generally, no new data will be generated to develop advisories. Advisories will, however, be subject to change whenever significant new data are received. Advisories may be used for any purpose that 304(a) criteria are used. The EPA will issue advisories following public comment and final Agency review and approval.

9. What is the Section 307(a) list of priority pollutants?

The Section 307(a) list of priority pollutants contains 65 compounds and families of compounds which are among the most persistent, prevelant and toxic of chemicals known to man. These 65 compounds and families of compounds have been translated into 126 individual toxic pollutants. The list of priority pollutants appears in Section VII.

10. How are criteria expressed?

Criteria are expressed in either numeric or narrative form.

11. What is the chief difference between numeric and narrative criteria?

Narrative criteria are expressed in concise statements generally in a "free from" format while numeric criteria are expressed as concentrations of chemicals in water which should protect designated uses.

12. To what does the term "free from" refer?

"Free from" is a term adopted by EPA to express qualitative criteria. For example, "free from toxic pollutants in toxic amounts".

13. Are States required to use numeric as opposed to narrative criteria in their State water quality standards?

EPA believes that an effective State water quality standards program should include both chemical specific (i.e., ambient criteria) and narrative approaches. Numeric criteria for specific chemicals are important where the cause of toxicity is known or for protection against potential human health impacts. Ambient water quality criteria may also be the best way to address nonpoint source pollution problems.

A narrative standard can be the basis for limiting toxicity where a specific toxic pollutant can be identified as causing the toxicity, but there is no numeric criterion in State standards. The narrative standard can also be used to limit whole efffluent toxicity where it is not known which chemical or chemicals are causing the toxicity.

14. What is meant by site-specific criteria?

Site-specific criteria are criteria relevant to a given localized site and reflect local environmental conditions. Site-specific criteria are sometimes justified because: a) species inhabiting a given site may be more or less sensitive than those used in developing the Section 304(a) criteria guidance document; or b) water chemistry (e.g., pH, hardness, temperature, suspended solids, etc.) appear to differ significantly from the laboratory waters used in developing Section 304(a) criteria.

15. Who develops site-specific criteria, the EPA or individual States?

Normally, States develop site specific criteria. The EPA has developed guidance for deriving site-specific water quality criteria. These are contained in the Water Quality

Standards Handbook, published by the Office of Water Regulations and Standards of EPA in December 1983. States considering developing site-specific water quality criteria are urged to consult with the appropriate EPA Regional Office before beginning to develop site-specific criteria. A list of EPA Regional Offices appears in Section X.

SECTION IV.

ADOPTION OF WATER QUALITY STANDARDS

1. What is the process used by States to establish water quality standards?

   Each State has its own unique legal and administrative procedures for adopting water quality standards. Therefore, there are no standardized procedures for the review and adoption of State standards. There is, however, a minimum Federal requirement that public hearings be held. The schematic diagram in Section VIII depicts a typical water quality standards review and revision process.

2. Which body or entity within a State is responsible for adoption of State water quality standards?

   This also varies from State to State. Water quality standards are statutes or rules. In some cases, they are adopted by the legislative body of the State and are signed into law by the Governor of that State. In other States, water quality standards are adopted through administrative agency rulemaking which is occasionally subject to legislative oversight. Information with respect to adoption of a States' water quality standards may be obtained by contacting the State's Water Pollution Control Agency or its equivalent.

3. Have all States adopted water quality standards?

   Yes, the 50 States, and the U.S. Territories, have developed water quality standards.

4. Is there a statutorily imposed timeframe for States to review, revise and adopt water quality standards?

   Section 303 (c) of the CWA, as amended, requires States to hold public hearings at least once each three year period, for the purpose of reviewing applicable water quality standards and/or adopting new standards.

5. How do States determine which waters are to be examined in-depth in the three year cycle?

   The States, in conjunction with EPA, select waterbodies for which water quality standards are to be reviewed in-depth. To make this determination, the States and EPA are aided by the following sources of information: a) Section 304(l) lists of waters; b) State 305(b) Reports (those reports provide an assessment of the condition of the waters within the boundaries of each State); c) the waters identified under Section 303(d) of the CWA; d) the construction grants priority list; and e) segments where major National Pollutant Discharge Elimination System (NPDES) permits have expired.

Additionally, any waterbody with water quality standards not consistent with the Section 101(a)(2) goals of the CWA must be reexamined every three years.

6. Have States begun to adopt numeric criteria for toxic pollutants in triennial reviews as required by the Water Quality Act of 1987?

States have begun adopting numeric criteria for toxic pollutants in triennial reviews and will continue to do so. While the Water Quality Act of 1987 specifically requires the adoption of numeric criteria for toxics, the identification and control of toxic pollutants has been a priority of the water quality standards program for many years.

7. What is the role of the EPA following adoption of State water quality standards?

Following adoption of water quality standards, a Governor, or his designee, submits the officially adopted standards to the appropriate EPA Regional Administrator for review (a list of EPA Regional Offices is contained in Section X). The Regional Administrator reviews the State's standards to determine compliance with the CWA and implementing regulations. The Regional Administrator may approve or disapprove State water quality standards based on that review.

8. What action may the EPA take if a State adopted water quality standard does not meet the requirements of the CWA?

A Regional Administrator who determines that a State's water quality standards do not meet the requirements of the statute must inform the State of the changes which are needed to bring the standards up to the required level. If the State does not make the required changes, EPA will begin the process of promulgating a Federal regulation setting forth a new or revised water quality standard for the waters affected.

The EPA Administrator also has authority to promulgate Federal regulations when he determines that a new or revised standard is necessary to meet the requirements of the CWA, even if the State has not submitted water quality standards to EPA.

9. Can Federally promulgated water quality standards be withdrawn?

Federally promulgated water quality standards are withdrawn when States adopt standards which meet statutory requirements.

10. Has the EPA promulgated Federal water quality standards which are enforceable on the States?

The EPA issued final water quality standards for the following States: Kentucky, Arizona, Nebraska, Mississippi, Alabama, North Carolina and Ohio.

Following subsequent corrective action by the States, EPA has withdrawn its water quality standards, except those for Arizona which establish nutrient standards for eleven streams and standards for Kentucky establishing a chloride criterion for the aquatic life use designation.

11. What process is used at the Federal level to promulgate water quality standards?

The EPA, when promulgating water quality standards, must adhere to the same substantive requirements as the States for adopting standards. Procedural requirements may, however, differ. When the EPA issues a Federally promulgated State standard, it will, at a minimum, propose the water quality standard in the Federal Register, solicit public comments on the proposed standard, hold a public hearing, analyze and incorporate public comments and issue a final water quality standard.

12. Does the EPA provide any technical assistance or guidance to the States to enable them to carry out the provisions of the water quality standards program?

In addition to the Section 304(a) criteria guidance, the EPA develops appropriate technical guidance materials to assist the States in meeting the requirements of the water quality standards program. These guidance materials are supplemented by workshops and meetings conducted by EPA personnel. Further, EPA personnel are available for consultation on all aspects of a State's water quality standards program. The Federal Government and the States are partners in the effort to clean-up the Nation's waters and a free exchange of information and ideas is encouraged.

13. What are the provisions of the Clean Water Act as they relate to establishing water quality standards on Indian Lands?

Section 518 of the CWA contains a provision which allows Indian Tribes to be treated as States for purposes of the water quality standards program. If certain qualifications are met, Indian Tribes can establish water quality standards for waters under their jurisdiction, pursuant to Section 303(c) of the CWA.

Section 518 also requires the EPA to provide a mechanism for the resolution of any unreasonable consequences that may

arise as a result of differing water quality standards that may be set by States and Indian Tribes located on common bodies of waters. Before passage of the 1987 amendments to the CWA, if a State lacked authority over Indian Lands, water quality standards on those Indian Lands could be accomplished only through a Federal promulgation, in order to be recognized under the Clean Water Act.

14. Is there a mechanism to ensure that water quality standards are enforced?

Under the Act, water quality standards are not directly enforceable but are a basis for establishing discharge limits in NPDES and Section 404 permits. The permits are legally enforceable and failure to comply with NPDES or Section 404 permit limits can result in enforcement action. States have the option, under Section 510 of the Act, to make water quality standards directly enforceable.

15. What role can the public play in the water quality standards setting process in the States?

Citizens of the United States have a vested interest in the condition of the Nation's waters. One of the first opportunities for input into the water quality standards setting process is through participation in public hearings which, by law, are held by States at least once every three years. These hearings provide an opportunity for the public to make recommendations on improvements or modifications of water quality standards. This public forum is a powerful vehicle through which citizens may make their concerns known to public officials.

16. Where can an individual locate information on the water quality standards of a particular State?

Information on the water quality standards of a particular State may be obtained from the State's Water Pollution Control Agency or its equivalent. Information may also be obtained from the EPA through its Regional Offices (listed in Section X) or from the EPA, Office of Water Regulations and Standards, Criteria and Standards Division, 401 M Street, S.W., (WH-585), Washington, D.C. 20460, (202) 475-7315.

SECTION V.

USE ATTAINABILITY ANALYSIS

1. If all States currently have water quality standards, why is there a need to review and revise existing standards?

   The States are required by law to review their water quality standards at least once every three years and revise them, if appropriate. States review standards because new scientific and technical data may be available which have a bearing on the review. Further, environmental changes over time may warrant the need for a review. Where standards do not meet goal uses, they must be periodically reviewed to see if uses can be attained. Additionally, water quality standards may have been established for the protection and propagation of aquatic life and for recreation in and on the water without sufficient data to determine whether the uses were attainable. Finally, changes in the CWA or EPA's regulations may necessitate reviewing standards to ensure continued compliance.

2. How do States determine whether a water quality standard is appropriate?

   States review intensive survey data, the Section 304(l) list of waters, monitoring data and Section 305(b) data and any other available data for a waterbody to determine whether standards are appropriate. Through these analyses, the States can determine the basis of any identified impaired uses. Physical, chemical or biological factors are examined to assess whether the criteria are appropriate.

3. What is a Use Attainability Analysis?

   A Use Attainability Analysis is a multi-faceted assessment of the physical, chemical, biological and economic factors which affect the attainment of a use.

4. Why is a Use Attainability Analysis important?

   A Use Attainability Analysis is important because it enables the States to answer the following questions about the conditions of its waters:

   a. What is the existing use to be protected?

   b. What is the extent to which pollution (as opposed to physical factors) contributes to the impairment of a use?

   c. What is the level of point source control required to restore or enhance the use?

d. What is the level of nonpoint source control required to restore or enhance the use?

4. What are the components of a Use Attainability Analysis?

A Use Attainability Analysis consists of a waterbody survey and assessment, a wasteload allocation and an economic analysis, if appropriate.

5. Who conducts a Use Attainability Analysis?

Use Attainability Analysis are the responsibility of the States. The actual studies may be performed by other entities (e.g., outside consultants hired by the States).

6. Under what conditions must a State conduct a Use Attainability Analysis?

A State is required to conduct a Use Attainability Analysis when it designates or has designated uses not meeting the Section 101(a)(2) goals of the CWA.

A State is not required to conduct a Use Attainability Analysis when it designates uses consistent with the uses identified in Section 101(a)(2) of the CWA.

7. May a State modify a non-existing, designated use to one which is less stringent?

States may modify non-existing designated uses when it can be demonstrated, through a Use Attainability Analysis, that attaining the higher designated use is not feasible. Factors affecting a waterbody, such as natural high water temperatures, physical impediments or natural background pollutant levels, may effectively prevent a non-existing designated use from being met.

SECTION VI.

ANTIDEGRADATION POLICY

1. What is the purpose of the EPA's antidegradation policy?

   The EPA's antidegradation policy sets minimum requirements for State antidegradation policies which conserve, maintain and protect existing uses and water quality.

2. What is the origin of the EPA's antidegradation policy?

   The Federal antidegradation policy was established by the Secretary of Interior in February 1968 and incorporated into the water quality standards regulation issued by EPA in November 1975. That policy was clarified and included in the water quality standards regulation published on November 8, 1983 (48 FR 51400) and now codified at 40 CFR 131.12. Section 303(d) of the Water Quality Act, 1987 reinforces the Agency's antidegradation policy.

3. What does the antidegradation policy require?

   The antidegradation policy consists of three tiers. Tier 1 requires that existing uses of a water segment and the level of quality necessary to protect the use must be maintained. Tier 2 requires protection of actual water quality (unless certain conditions are met) in segments where water quality exceeds levels necessary to support propagation of fish, shellfish and wildlife and recreation in and on the water. Tier 3 requires special protection of waters for which typical use classifications may not be sufficient to protect Outstanding National Resource Waters (See Section II, Question #8).

4. Once a designated use is attained, must it be maintained?

   Yes, the antidegradation policy ensures that designated uses, once achieved, must be properly maintained.

5. Are States required to adopt their own antidegradation policies?

   Each State is required to adopt an antidegradation policy and implementation method. EPA's water quality standards regulation (published November 8, 1983) specifies the basic requirements which must be contained in policies adopted by the State's.

   State's are not specifically required to incorporate antidegradation policies in their water quality standards regulations. The policy must, however, be formally adopted and be specifically referenced in the water quality standards regulations so that the relationship between the standards and the policy is clearly understood.

6. Are State antidegradation policies and implementation plans subject to review and approval by the EPA?

The EPA has authority to review State antidegradation policies and to promulgate such policies if a State fails to make changes consistent with the CWA.

7. What happens if a State does not properly implement its antidegradation policy?

If the State fails to apply its antidegradation policy when issuing a State NPDES permit, EPA may object to the permit as "outside the requirements of the Act", thus barring issuance of the permit by the State until steps are taken to comply with the antidegradation policy. Citizens affected by the permit may also challenge it in State court on the grounds that it does not comply with the State antidegradation policy. In addition, particularly if there is a pattern of problems, EPA can consider whether the State's conduct indicates that its antidegradation policy is, in fact, not consistent with 40 CFR Section 131.12, in which case, EPA would have authority to promulgate its own antidegradation policy applicable to waters in the State.

8. Can the application of the antidegradation policy be expected to adversely impact economic growth and development?

The antidegradation policy has been developed so that it minimizes adverse effects on economic growth and development while at the same time it protects the water quality goals of the CWA.

9. Where can an individual locate additional information on the antidegradation policy of each State?

Additional information can be obtained from the Water Quality Standards Coordinator in each Regional Office (see Section X) or from the EPA, Office of Water Regulations and Standards, Criteria and Standards Division (WH-585), Washington, D.C. 20460, (202) 475-7315. The Supplemental Reading List in Section IX contains reference sources on application of the antidegradation policy.

SECTION VII.

LIST OF PRIORITY POLLUTANTS

2,4-dinitrotoluene
2,4-dinitrotoluene
2,6-dinitrotoluene
1,2-diphenylhydrazine
Ethylbenzene
Flouranthene
4-chlorophenyl phenyl ether
4-bromophenyl phenyl ether
Bis(2-chloroisopropyl) ether
Bis(2-chloroethoxy) methane)
Methylene chloride (dichloromethane)
Methyl chloride (dichloromethane)
Methyl bromide (bromomethane)
Bromoform (tribromomethene)
Dichlorobromomethene
Hexachlorobutadiene
Chlorodibromomethane
Hexachloromyclopentadiene
Isophorone
Naphthalene
Nitrobenzene
2-nitrophenol
4-nitrophenol
2,4-dinitrophenol
4,6-dinitro-o-cresol
N-nitrosodimethylamine
N-nitrosodiphenylamine
N-nitrosodi-n-propylamin
Pentachlorophenol
Phenol
Bis(2-ethylhexyl) phthelate
Butyl benzyl phthelate
Di-N-Butyl phthelate
Di-n-octyl phthalate
Diethyl phthalate
Dimethyl phthalate
1,2-benzanthracene (benzo(a) enthracene
Benzo(a)pyrene (3,4-benzo-pyrene)
3,4-Benzofluoranthene (benzo(b) fluoranthene)
11,12-benzofluoranthene (benzo(b) fluoranthene)
Chryseene
Acenaphthylene
Anthracene
1,12-benzoperylene (benzo(ghi) perylene)
Fluorene
Phenanthrene

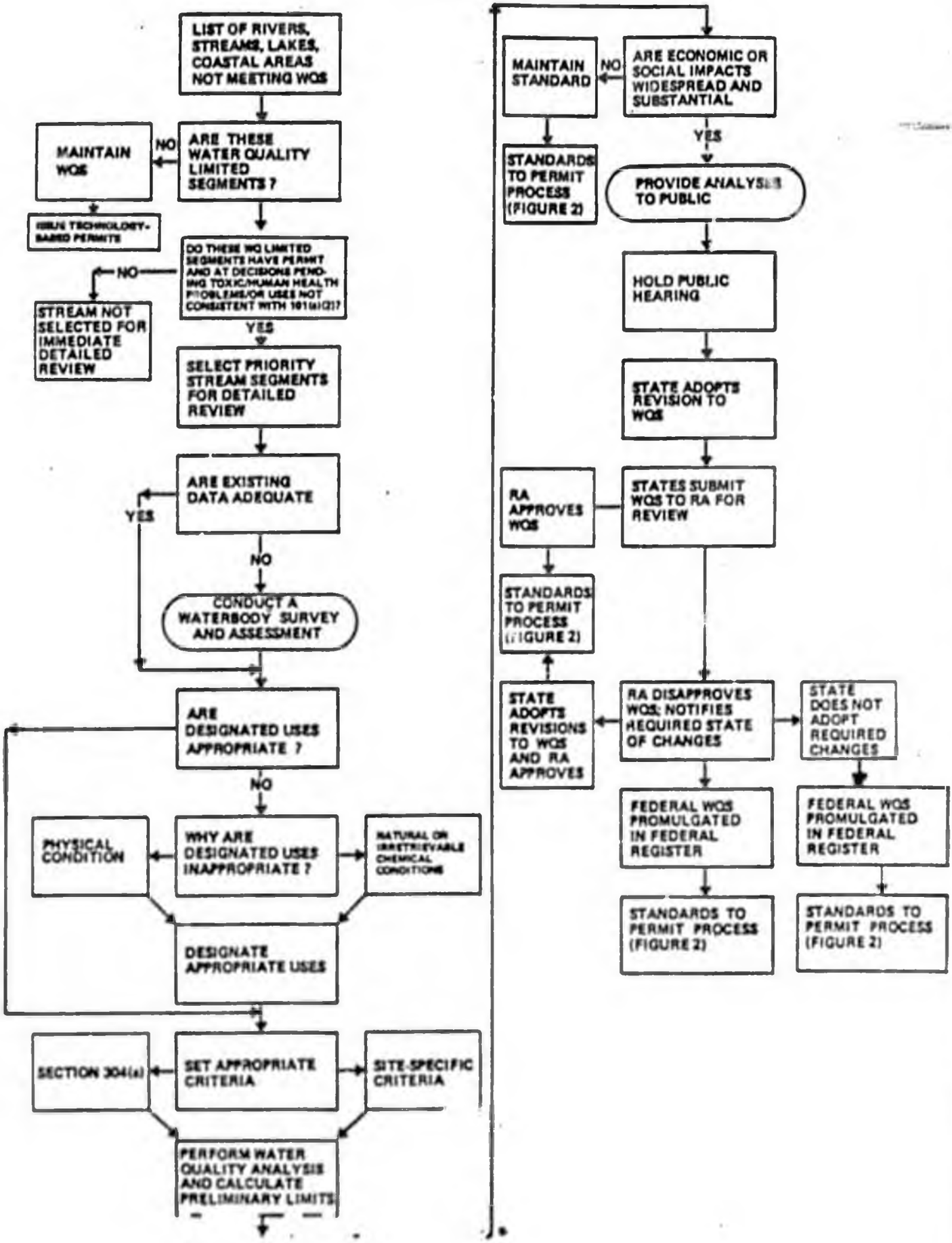
1,2,5,6-dibenzanthracene (dibenzo(,h)anthracene)
Indeno (,1,2,3-cd) pyrene (2,3-o-pheynylene pyrene)
Pyrene
Tetrachloroethylene
Toluene
Trichloroethylene
Vinyl chloride (chloroethylene)
Aldrin
Dieldrin
Chlordane (technical mixture and metabolites)
4,4-DDT
4,4-DDE (p,p-DDX)
4,4-DDD (p,p-TDE)
Alpha-endosulfan
Acenaphthene
Acrolein
Acrylonitrile
Benzene
Benzidine
Carbon tetrachloride (tetrachloromethane)
Chlorobenzene
1,2,4-trichlorobenzene
Hexachlorobenzene
1,2-dichloroethane
1,1,1-trichloroethane
Hexachloroethane
1,1-dichloroethane
1,1,2-trichloroethene
1,1,2,2-tetrachloroethane
Chloroethane
Bis(2-chloroethyl) ether
2-chloroethyl vinyl ether (mixed)
2-chloronaphthalene
2,4,6-trichlorophenol
Parachlorometa cresol
Chloroform (trichloromethane)
2-chlorophenol
1,2-dichlorobenzene
1,3-dichlorobenzene
1,4-dichlorobenzene
3,3-dichlorobenzidine
1,1-dichloroethylene
1,2-trans-dichloroethylene
2,4-dichlorophenol
1,2-dichloropropene
1,2-dichloropropylene (1,3-dichloropropene)
2,4-dimethylphenol
Beta-endosulfan
Endosulfan sulfate

Endrin
Endrin aldehyde
Heptachlor
Heptachlor exopide (BHC-hexachlorocyclohexane)
Alpha-BHC
Beta-BHC
Gamma-BHC (lindane)
Delta-BHC (PCB-polychlorinated biphenyls)
PCB-1242 (Arochlor 1242)
PCB-1254 (Arochlor 1254)
PCB-1221 (Arochlor 1221)
PCB-1232 (Arochlor 1232)
PCB-1248 (Arochlor 1248)
PCB-1260 (Arochlor 1260)
PCB-1016 (Arochlor 1016)
Toxaphane
Antimony
Arsenic
Asbestos
Beryllium
Cadmium
Chromium
Copper
Cyanide, Total
Lead
Mercury
Nickel
Selenium
Silver
Thallium
Silver
Zinc
2,3,7,8-tetrachloro-dibenzo-p-dioxin (TCDD)

SECTION VIII.

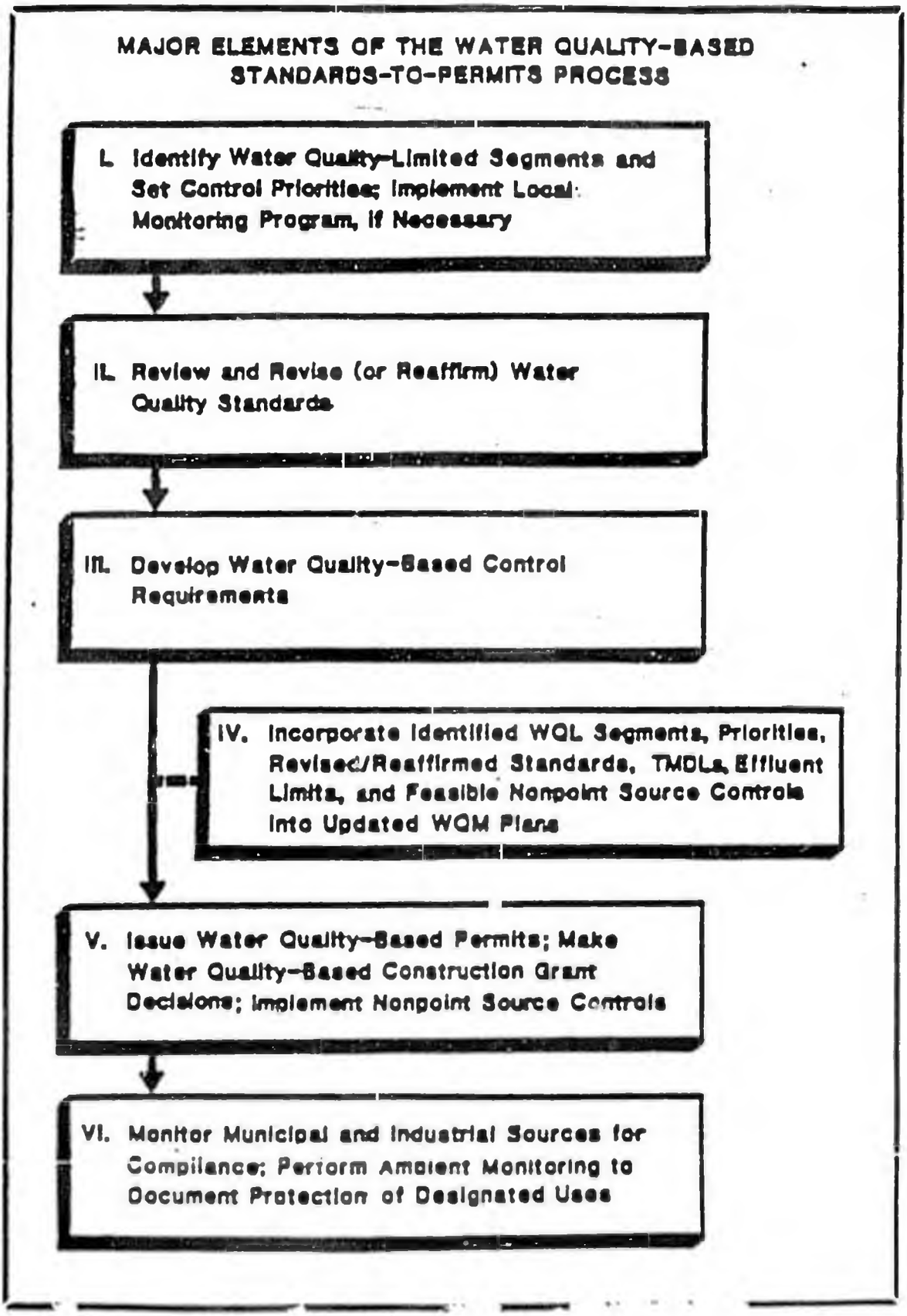
SCHEMATIC OF WQS PROCESS

FIGURE 1



SCHEMATIC OF WQS PROCESS

FIGURE 2



SECTION IX.

SUPPLEMENTAL READING LIST

U.S. Environmental Protection Agency. National Water Quality Inventory: 1986 Report to Congress. November 1987. *

U.S. Environmental Protection Agency. Quality Criteria for Water, 1986. May 1987. **

U.S. Environmental Protection Agency. Questiona and Answers on Antidegradation. August 1985. *

U.S. Environmental Protection Agency. State Clean Water Strategies: Meeting the Challenges of the Future. December 1987. *

U.S. Environmental Protection Agency. Technical Support Document for Water Quality-based Toxics Control. September 1985. *

U.S. Environmental Protection Agency. Technical Support Manual: Waterbody Surveys and Assessments for Conducting Use Attainability Analysis. Volume 1. November 1983. *

U.S. Environmental Protection Agency. Technical Support Manual: Waterbody Surveys and Assessments for Conducting Use Attainability Analysis. Estuarine Systems. Volume II. November 1983. *

U.S. Environmental Protection Agency. Technical Support Manual: Waterbody Surveys and Assessments for Conducting Use Attainability Anaylses: Lake Systems. Volume III. November 1984. *

U.S. Environmental Protection Agency. Water Quality Standards Handbook. December 1983. *

Water Quality Standards Regulation. (40 CFR Parts 35, 120 and 131). November 8, 1983. Volume 48. No. 217. *

* Copies may be obtained, at no cost, from the:

ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF WATER
OFFICE OF WATER REGULATIONS AND STANDARDS
CRITERIA AND STANDARDS DIVISION (WH-585)
401 M STREET, SW
WASHINGTON, D. C. 20460

SUPPLEMENTAL READING LIST

(CONTINUED)

** Copies may be obtained from the:

U. S. GOVERNMENT PRINTING OFFICE
SUPERINTENDENT OF DOCUMENTS
NORTH CAPITAL AND H STREETS, NW
WASHINGTON, D. C. 20401

ORDER NUMBER : 955-002-00000-8
PURCHASE PRICE: $23.00

SECTION X.

LIST OF EPA REGIONAL OFFICES AND STATES COVERED

For further information contact the Water Quality Standards Coordinator in each Regional Office:

REGION 1

Environmental Protection Agency
John F. Kennedy Federal Building Room 2203
Boston, MA 02203
FTS: 8-835-3715
DDD: (617) 565-3715
Hours: 8:30am - 5:00pm EST/EDT

(CONNECTICUT, MASSACHUSETTS, MAINE, NEW HAMPSHIRE, RHODE ISLAND, VERMONT)

REGION 2

Environmental Protection Agency
26 Federal Plaza
New York, NY 10278
FTS: 8-264-2525
DDD: (212)264-2525
Hours: 8:00am - 6:00pm EST/EDT

(NEW JERSEY, NEW YORK, PUERTO RICO, VIRGIN ISLANDS)

REGION 3

Environmental Protection Agency
841 Chestnut Street
Philadelphia, PA 19107
FTS: 8-597-9800
DDD: (215)597-9800
Hours 8:00am - 4:30pm EST/EDT

(DELAWARE, MARYLAND, PENNSYLVANIA, VIRGINIA, WEST VIRGINIA, DISTRICT OF COLUMBIA)

REGION 4

Environmental Protection Agency
345 Courtland Street, N.E.
Atlanta, GA 30365
FTS: 8-257-4727
DDD: (404)347-2727
Hours: 7:00am - 5:45pm EST/EDT

(ALABAMA, FLORIDA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, SOUTH CAROLINA, TENNESSEE)

LIST OF EPA REGIONAL OFFICES AND STATES COVERED

(CONTINUED)

REGION 5

Environmental Protection Agency
230 South Dearborn Street
Chicago, IL 60604
FTS: 8-353-2000
DDD: (312) 353-2000
Hours: 8:00am - 4:30pm CST/CDT

(ILLINOIS, INDIANA, MICHIGAN, MINNESOTA, OHIO, WISCONSIN)

REGION 6

Environmental Protection Agency
1445 Ross Avenue
12th Floor, Suite 1200
Dallas, TX 75202
FTS: 8-255-6444
DDD: (214)655-6444
Hours: 8:00am - 4:30pm CST/CDT

(ARKANSAS, LOUISIANA, NEW MEXICO, OKLAHOMA, TEXAS)

REGION 7

Environmental Protection Agency
726 Minnesota Avenue
Kansas City, KS 66101
FTS: 8-757-2800
DDD: (913)236-2800
Hours: 7:30am - 5:00pm CST/CDT

(IOWA, KANSAS, MISSOURI, NEBRASKA)

REGION 8

Environmental Protection Agency
999 18th Street
Suite 500
Denver, CO 80202-2405
FTS: 8-564-1603
DDD: (303)293-1603
Hours: 8:00am - 4:30pm MST/MDT

(COLORADO, MONTANA, NORTH DAKOTA, SOUTH DAKOTA, UTAH, WYOMING)

LIST OF EPA REGIONAL OFFICES AND STATES COVERED

(CONTINUED)

REGION 9

Environmental Protection Agency
215 Fremont Street
San Francisco, CA 94105
FTS: 8-454-8071
DDD: (415)974-8071

Hours: 8:C0am - 4:30pm PST/PDT

(ARIZONA, CALIFORNIA, HAWAII, NEVADA, AMERICAN SAMOA, GUAM, TRUST TERRITORY OF THE PACIFIC ISLANDS, COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS)

REGION 10

Environmental Protection Agency
1200 Sixth Avenue
Seattle, WA 98101
FTS: 8-399-5810
DDD: (206)442-5810
Hours: 8:00am - 4:30pm PST/PDT

(ALASKA, IDAHO, OREGON, WASHINGTON)