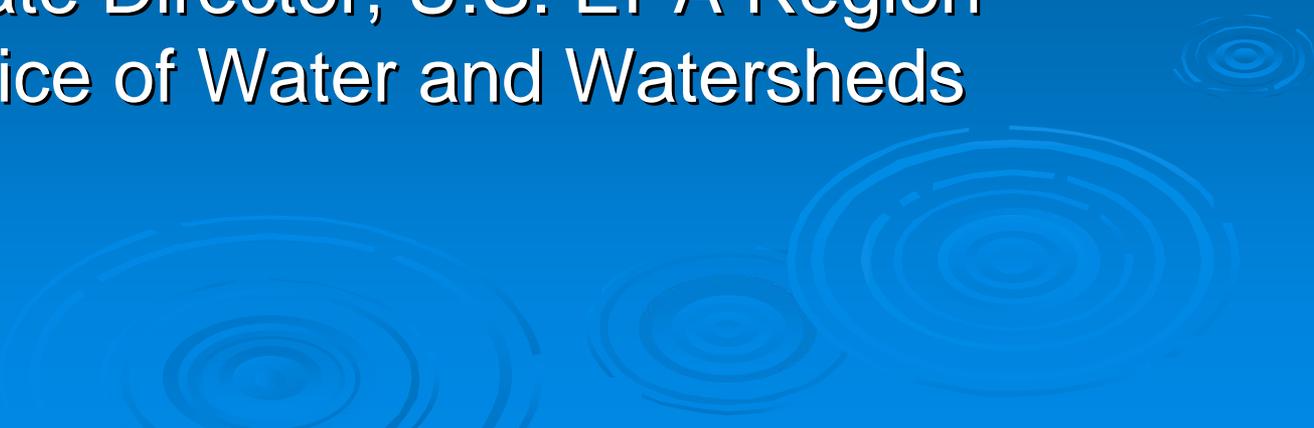


# The State of Alaska's Application for NPDES Program Authorization

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The background of the slide is a solid blue color. In the lower right quadrant, there are several faint, concentric circular ripples that resemble water droplets or ripples on a pond, adding a thematic visual element related to water.

# Presentation Overview

- Activities regulated under NPDES Program
- State role in NPDES implementation
- What States must demonstrate to obtain approval to administer NPDES
- Timeline for reviewing Alaska's application
- Consulting with Tribes
- EPA's role after authorization to State
- Tribal role after authorization to State

# National Pollutant Discharge Elimination System (NPDES) Program

- Point sources that discharge pollution to U.S. waters require a permit
- Point sources are discernible, confined and discrete conveyances like pipes
- Non-point sources are generally not regulated under NPDES
- NPDES permits authorize discharge consistent with CWA requirements
- NPDES permits based on the same water quality standards whether EPA or State issued

# National Pollutant Discharge Elimination System (NPDES) Program

- Examples of activities that require NPDES permits:
  - Municipal Sewage Treatment Plants
  - Seafood Processing Facilities
  - Mining Operations
  - Oil & Gas Facilities
  - Urban & Industrial Stormwater Pollution

# State Role in NPDES Programs

- Clean Water Act presumes States will seek to run NPDES program
- Clean Water Act sets out a process and criteria for EPA to follow when reviewing a State's application
- 45 states have been authorized since 1973

# What Does Alaska Have to Demonstrate to Obtain Approval

- State legal authority sufficient for state permits to comply with federal rules
- Legal authority to inspect, monitor, enter and require reports from point sources
- Public Notice of Permits and opportunity for a public hearing
- Notice to EPA of Permits
- Adequate resources to run the program

# Alaska's Application Components

- Alaska Pollutant Discharge Elimination System Program Regulations
  - Attorney General's Statement (legal authority)
  - Program Description
  - Continuing Planning Process
  - Memorandum of Agreement
- 

# Timeline for Reviewing Alaska's Application

- October 15, 2007 – DEC submitted revised draft NPDES Program application
- January 15, 2008 – EPA provided written comments to DEC
- May 1, 2008, ADEC submits application
- May – November 2008 – EPA reviews and makes final NPDES Program approval determination

# Public Involvement

- If EPA deems application complete, 45 days from submittal of application—public notice in Federal Register (60 day)
- 30 days after public notice, EPA holds public hearings
- After close of public comment period, evaluate public comments
- 45 days after close of public comment, EPA responds to public comments

# Consultation with Tribes

- Nov. 2007, EPA sent letters to Tribal leaders saying that they may request government-to-government consultation
- Consultation will be scheduled in hub communities
- EPA Tribal Coordinators will work with Tribes to select dates for consultation
- EPA will continue educational presentations as opportunities arise

# What Does State Program Approval Mean?

- Generally, EPA will no longer write and issue permits
- Generally, State will write, issue and conduct compliance and enforcement for permits
- State not required to do Endangered Species consultation for permits
- State not required to do National Environmental Policy Act (NEPA) reviews

# EPA's Role after Alaska's NPDES Application is Approved—Phased Implementation

- Phase I: Domestic Discharges, Timber Harvesting, Seafood Processing
- Phase II: Federal Facilities, Stormwater Program, Pre-Treatment Program
- Phase III: Mining
- Phase IV: Oil and Gas, cooling water, and all other remaining facilities

# EPA's Role after Alaska's Program is Authorized

- EPA will have oversight of State's Program—conduct periodic program reviews, discretion to review any permit, authority to object to permits that are not protective
- EPA retains enforcement authority over all dischargers (NPDES permittees or not)
- Memorandum of Agreement (EPA and ADEC) outlines guidelines for EPA oversight of State program

# EPA's Role after Alaska's Program is Authorized

- EPA will continue to implement the Non-Delegable portions of Federal NPDES Program, including
  - Facilities 3 miles offshore, outside State waters
  - Facilities discharging in “Indian country” as defined in 18 U.S.C. § 1151
  - Facilities in Denali National Park
  - Municipalities that discharge to marine waters that are less than full treatment (i.e., Anchorage, SE communities)

# Tribes' Role When Alaska's Program is Authorized

- EPA will continue its government-to-government relationship with Tribal governments
- Tribes can seek to participate in EPA's review of Alaska's NPDES program
- Tribes can seek EPA review of Alaska's permits
- Tribes can participate in review of Alaska's permits
- Tribes can petition EPA to withdraw Alaska's NPDES authorization if the State not meeting Clean Water Act requirements

# Tribes' Role Continued

- Alaska APDES Public Participation in the APDES Permitting Process
  - Become familiar with State APDES public participation process.
  - Utilize State opportunities for input to raise concerns.