

Antidegradation Overview

- ◆ Brief History
- ◆ Preview
- ◆ Workshop Rules



10/22/2004

Water Pollution Control Branch



History / Background

- Statute and Rules: ~20 Years
40 CFR 131.12
- Not consistently applied
- Oct. 7, 2003 Missouri Coalition for the Environment vs. Leavitt (EPA)
- December 2004 – Settlement Agreement

History / Background

- AIP Stakeholder meetings [February 2006 – February 2007]
- 13 Meetings
- Formal Public Comment
- CWC Approved AIP April 20, 2007
- Comments / Formal Hearings / Polishing / Regulatory Development
- August 30, 2008 Effective.

Who is Affected?

- State Operating Permits & Construction Permit applications for discharges that are

New or Expanded!



“Approved degradation”
is the *justified* use
of a water’s ability to
assimilate pollutants
without adversely impacting
beneficial uses of the water.

“Justified” How?

Degradation cannot be allowed without:

- **demonstrating the necessity of a discharge** [evaluating nondischarge options and alternatives analysis], **and**
- **explaining the important socio-economic development supporting the discharging activity** [see EPA’s *Interim Economic Guidance – Workbook*:
www.epa.gov/waterscience/standards/econworkbook/]

Alternatives Analysis

- Practicability
 - Good “fit”
 - Technically feasible
- Economic Efficiency
 - Cost does not exceed 120% of the least expensive technology that meets WQS (rule of thumb)
- Affordability
 - Apply EPA’s nonbinding Guidance: “Interim Economic Guidance for Water Quality Standards,” EPA-823-B-95-002 (1995)

Social and Economic Importance

- Identify the Affected Community
- Social and Economic Conditions that Characterize the Affected Community
- Describe the Social and Economic Benefits of the Project



Tiers of Water Quality

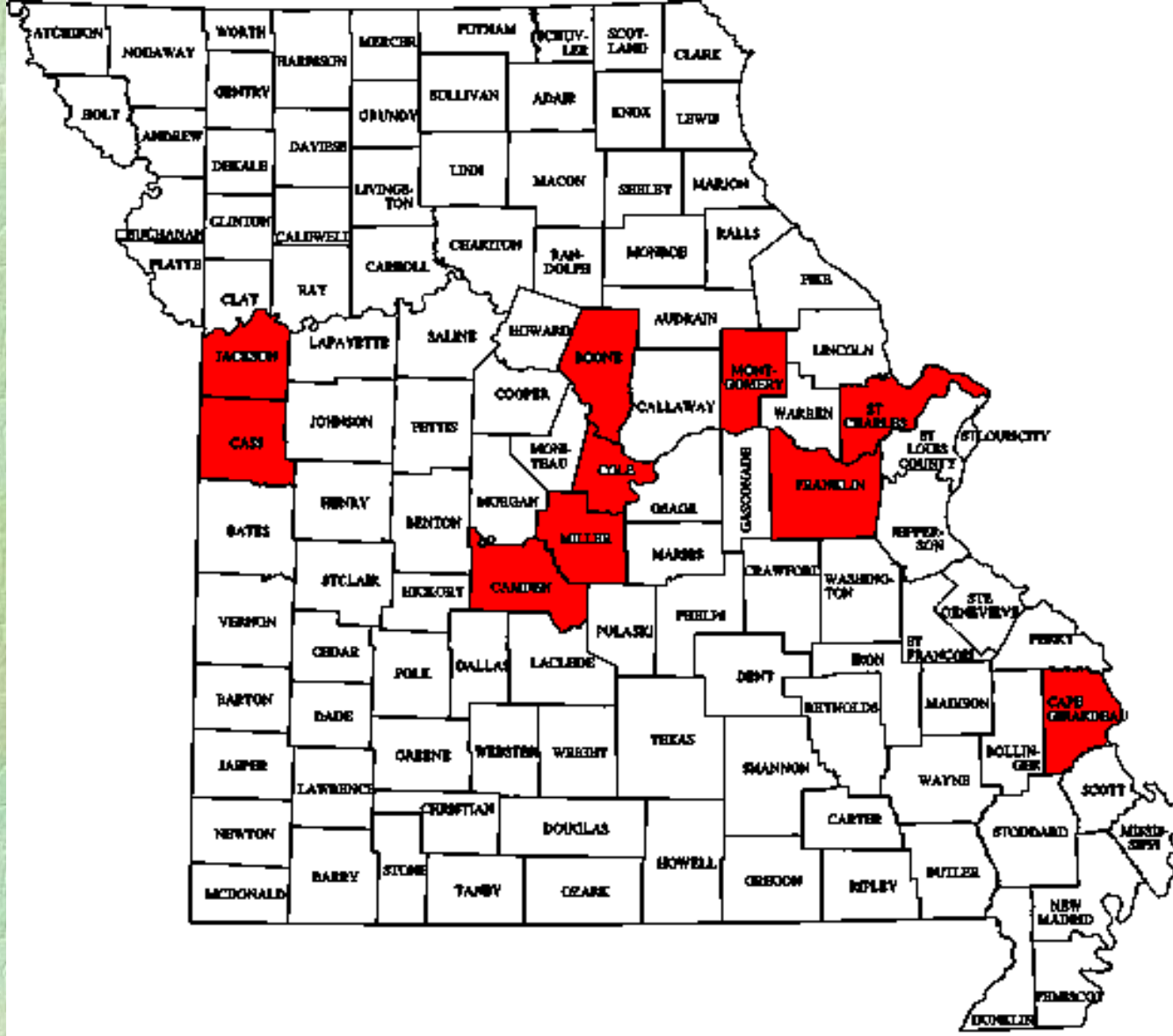
10 CSR 20-7.031(2)

- **Tier I**: Water is At, Near, or Violating the WQS
- **Tier II**: Water Quality is Better than WQS, and Degradation *May* be allowed if justified.
- **Tier III**: Outstanding National Resource Waters [10 CSR 20-7.031(1)Q.&R.] – *No Degradation Allowed.*

Tips to Move Your Review Forward

- Make a Realistic Schedule
- Involve Internal and External Experts
- Pre-consultation Meetings with the Department
- Identify the Type of Antidegradation Review
- Make a Complete Submittal
- Make Sure it is Well Organized
- Respond Promptly to Request





Active Antidegradation Reviews

Agenda

9:30 *Sign In*

9:50 *Welcome & Introductions*

10:00 *Antidegradation Overview*

10:30 *Antidegradation Applicability Decision Tree, the
Application, & and Example Project*

11:00 *Break*

11:10 *Antidegradation Applicability Decision Tree, the
Application, & and Example Project*

11:50 *Lunch (on your own)*

1:00 *Example Project Cont', Effluent Limits
Determination*

1:15 *Water Quality Review Assistance*

2:10 *Break*

2:20 *Antidegradation: Stormwater & General Permits*

2:40 *Permitting Process Overview*

3:00 *Questions and Answers*

3:15 *Adjourn*

Workshop Etiquette

- Should you raise your hand when you have a question? **Yes.**
- Should you just call out if you don't understand something? **Yes.**
- Should you throw things at the presenter to get his attention? **No. Too bad.**
- Can you ask general questions about Antidegradation topics? **Yes.**
- Can you ask questions about a specific project under review? **No, lets save that for a private meeting unless it would be helpful for group understanding.**

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QUESTIONS?