



Alaska Department of Environmental Conservation  
**Division of Water**



# Module 1

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## Overview of the (APDES) Permitting Program

**2012 SEAFOOD PROCESSING WASTE PERMITTING & COMPLIANCE WORKSHOP**

*Anchorage, Alaska • February 28-29, 2012*

# Module 1 – Overview of the (APDES) Permitting Program

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# Module 1 – OBJECTIVES

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- **BRIEF REVIEW** of the EPA Clean Water Act (CWA); including goals and purposes.
- **REVIEW** the National Pollutant Discharge Elimination System (NPDES) permit program.
- **EXPLAIN** How Alaska assumed primacy (authority) of this program as the Alaska Pollutant Discharge Elimination System (APDES) program.

# Module 1 – What You Will Learn

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- About the ***Clean Water Act*** and its purposes and goals.
- How the ***NPDES permit program was transferred to the State of Alaska***
- ***Why the program is called the APDES program***

# Federal Water Pollution Control Act Amendments - 1972

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In 1972 the EPA established the Federal Water Pollution Control Act Amendments

Objective: to restore and maintain the chemical, physical and biological integrity of the Nation's waters.

# Federal Water Pollution Control Act Amendments - 1972

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## National Goals & Policies

- To eliminate the discharge of pollutants to navigable waters by 1985.
- Interim goal: to achieve a level of water quality that would provide protection and propagation of fish, shellfish, and wildlife; as well as provide recreation in and on the water by July 1983.

# Federal Water Pollution Control Act Amendments - 1972

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## National Goals & Policies

- The discharge of toxic pollutants in toxic amounts was prohibited.

# National Pollutant Discharge Elimination System (NPDES)

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## 1972

NPDES Permit Program Established (Section 402)

Maximum five year permit terms; compliance deadlines; and significant penalties for violations.

Established both *technology-based* and *water quality-based* permit requirements

Permit compliance would serve as a shield.

# 1972 NPDES Statutory Framework

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All *point sources* discharging *pollutants* into waters of the United States



must obtain an NPDES *permit* from EPA or/an authorized state, territory or tribe.

# What is an NPDES *Permit*?

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An NPDES *permit* is *license to discharge* specific pollutants under strict and specific guidelines.

# What is an NPDES *Permit*?

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- Each permit is applied for by individual operators based on their specific situation.
- If approved, a permit is issued by the managing State or Federal government.
- A NPDES permit is not a right and can be revoked if permit requirements are not met.

# What is a *Point Source*?

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## Point Source – 40 CFR 122.2

Any discernible, confined, and discrete conveyance, including but not limited to:

- any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged.

# What is a *Point Source*?

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# What are *Pollutants*?

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## Pollutant– 40 CFR 122.2

Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

# What are *Pollutants*?

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# NPDES Program in Alaska

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The NPDES program in Alaska was administered by EPA

Alaska was 1 of 5 states that did not have authority to administer the NPDES program (Alaska became #46)

- A workgroup was convened in 2004 to evaluate the concerns, costs, and benefits of state primacy.
- The workgroup recommended Alaska apply for primacy contingent on certain elements being incorporated into the state program.



# Alaska Pollutant Discharge Elimination System (APDES) History & Timeline

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In 2005 the Alaska Department of Environment Conservation (DEC) was directed to apply for authority to administer the NPDES permit program from EPA.

The application included: a letter from the governor, program description, memorandum of agreement, attorney general statement, statutes and regulations, and a continuing planning process document.

<http://dec.alaska.gov/water/npdes/APDESApplication.htm>

# Alaska Pollutant Discharge Elimination System (APDES) History & Timeline

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On October 31, 2008 EPA approved the application and DEC assumed permitting and enforcement authority of certain sectors, including seafood processing activities, in navigable waters of the United States under State authority.

Other sectors will be transferred according to the primacy application schedule

# APDES Assumption Timeline



Phases of Authorization	Phase Facility	APDES Program Components
<b>Phase I:</b> At program approval October 31, 2008	<b>Phase I</b>	<ul style="list-style-type: none"> <li>•Domestic discharges</li> <li>•Log storage &amp; transfer facilities</li> <li>•Seafood processing facilities</li> <li>•Hatcheries</li> </ul>
<b>Phase II:</b> 1 year from program approval October 31, 2009	<b>Phase II</b>	<ul style="list-style-type: none"> <li>•Federal facilities</li> <li>•Storm water</li> <li>•Pretreatment program</li> <li>•Miscellaneous non domestic discharges</li> </ul>
<b>Phase III:</b> 2 years from program approval October 31, 2010	<b>Phase III</b>	<ul style="list-style-type: none"> <li>•Mining</li> </ul>
<b>Phase IV:</b> 4 years from program approval October 31, 2012	<b>Phase IV</b>	<ul style="list-style-type: none"> <li>•Oil and gas industry</li> <li>•All remaining sectors included in the application not previously transferred</li> </ul>

# Alaska Discharge Pollutant Elimination System (ADPES)

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DEC has assumed authority over the first three phases.

Phase IV will transfer to DEC October 31, 2012.

Once Phase IV is transferred, all phases to transfer over to DEC will be complete

Example of sectors not transferring

Vessel NPDES permitting program

Biosolids (Section 503 of CWA)

Facilities in Indian Country

# Alaska Pollutant Discharge Elimination System (APDES)

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Authority for the Seafood Sector transferred at phase I. (October 31, 2008)

DEC has authority to issue APDES permits to seafood processing facilities that discharge to navigable waters of the US and inspect those facilities.

DEC has issued 3 Seafood Individual Permits and 1 Seafood General Permit since authority transferred.

# Alaska Pollutant Discharge Elimination System (APDES)

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Under primacy, Alaska has assumed the authority to issue APDES permits, to inspect facilities, and enforce APDES permit violations.

EPA maintains an oversight role and retains the authority to inspect facilities issued APDES permits; object to permits if they fail to meet CWA requirements; and enforce against APDES permits.

# Alaska Pollutant Discharge Elimination System (APDES)

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Seafood Processing Waste Discharge Locations in Alaska

# Alaska Pollutant Discharge Elimination System (APDES)

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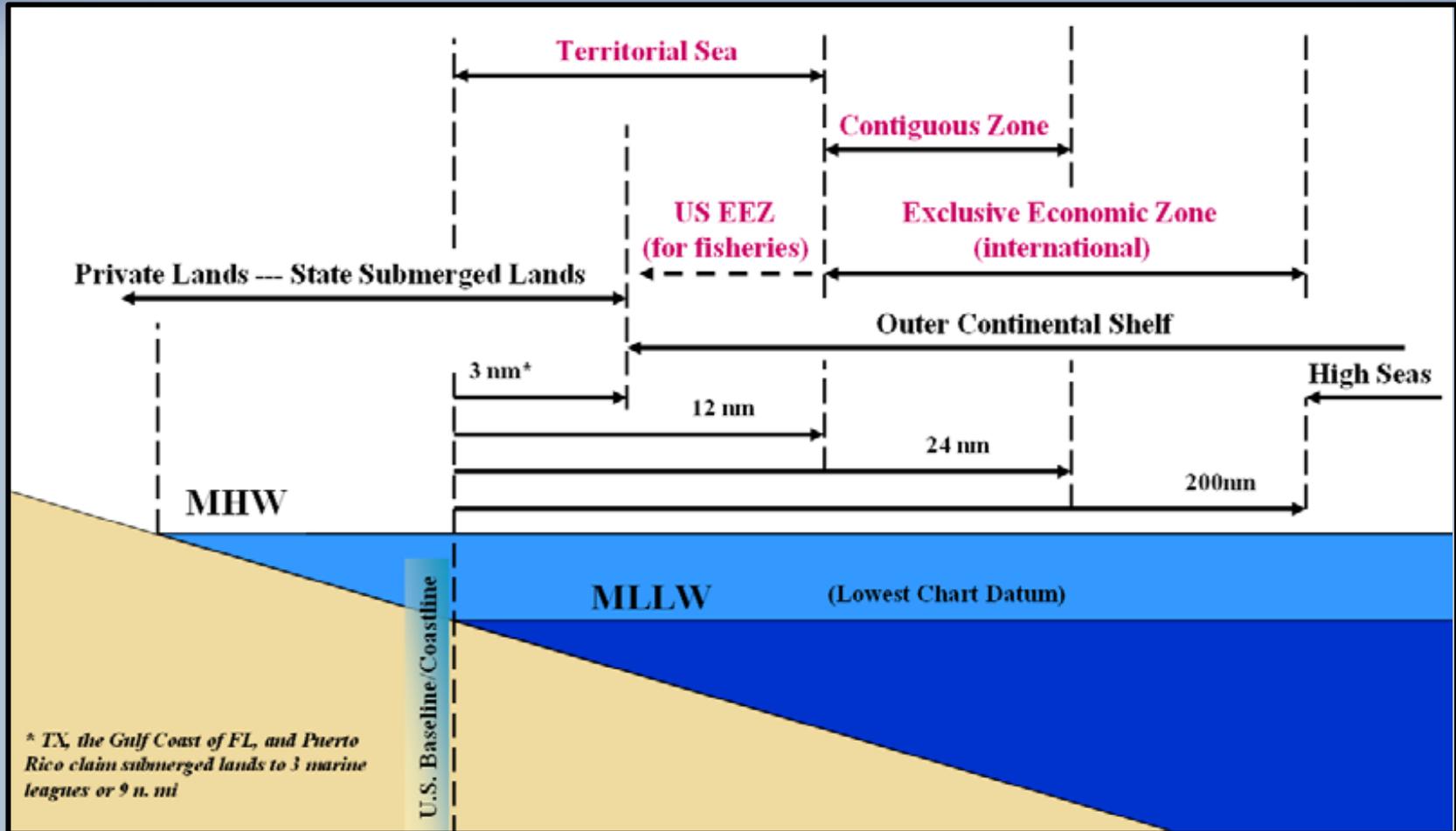


The APDES program regulates the discharge of pollutants to navigable waters, as defined by the Clean Water Act.

State marine waters are defined as all waters from shore as delineated by mean lower low water to 3 nautical miles from shore or baseline, whichever is greater.

# Alaska Pollutant Discharge Elimination System (APDES)

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# Alaska Pollutant Discharge Elimination System (APDES)

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- DEC Wastewater Discharge Authorization webpage
  - <http://dec.alaska.gov/water/wwdp/Index.htm>
- APDES Permit documents are posted
- Search for DEC permits in effect at
  - <http://dec.alaska.gov/Applications/Water/WaterPermitSearch/Search.aspx>

# Alaska Pollutant Discharge Elimination System (APDES)

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- DEC Seafood webpage
  - <http://www.dec.alaska.gov/water/wwdp/seafood/Index.html>
  - Join the DEC-Seafood list serve to be notified of Seafood related APDES permitting actions

# End of Module 1

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- Reviewed some of the Clean Water Act Goals
- Gave an overview of the NPDES Program
- Discussed how Alaska assumed the APDES Program
- Provided links to important APDES web pages