OWQ Continuing Planning Process (CPP) & Antidegradation Implementation (AIM) Policy

Stakeholder Meeting #1

ARKANSAS
ENERGY & ENVIRONMENT

Division of Environmental Quality (DEQ)
Office of Water Quality (OWQ)
NPDES Permits Section

Purpose of Stakeholder Meetings

- To educate stakeholders regarding the process and substance of these two documents
- solicit meaningful comments from stakeholders during the drafting phase of the documents' development.

Bryan Leamons, P.E.
Sr. Operations Manager, Office of Water Quality

How this Series of Meetings Will Be Organized

- June 22 meeting is divided up into 2 sessions:
  - Session A: Introductions, housekeeping, brief overviews of both the Continuing Planning Process (CPP) and Antidegrediation Implementation Methodology (AIM) draft documents (2 hours)
  - Session B: *CPP exclusively (2 hours)*
- July 7 single session, devoted exclusively to AIM (3 hours)
- July 21 single session, devoted exclusively to AIM (3 hours)

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Sr. Operations Manager, Office of Water Quality

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Continuing Planning Process (CPP)

Carrie McWilliams, P.E.
Engineer Supervisor, Office of Water Quality

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Continuing Planning Process (CPP)

Description

Describes how water quality is assessed

Describes how permit limits are implemented

Submitted to the EPA for approval

Carrie McWilliams, P.E.
Engineer Supervisor, Office of Water Quality

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Continuing Planning Process (CPP)

Components

- Introduction
- Water Quality Management Program
- Technology-Based Effluent Limitations
- Water Quality Management Plan (WQMP)
- Water Quality-Based Effluent Limitations
- Monitoring and Sampling Requirements
- Whole Effluent Toxicity (WET)
- Public Participation and Notice

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Engineer Supervisor, Office of Water Quality

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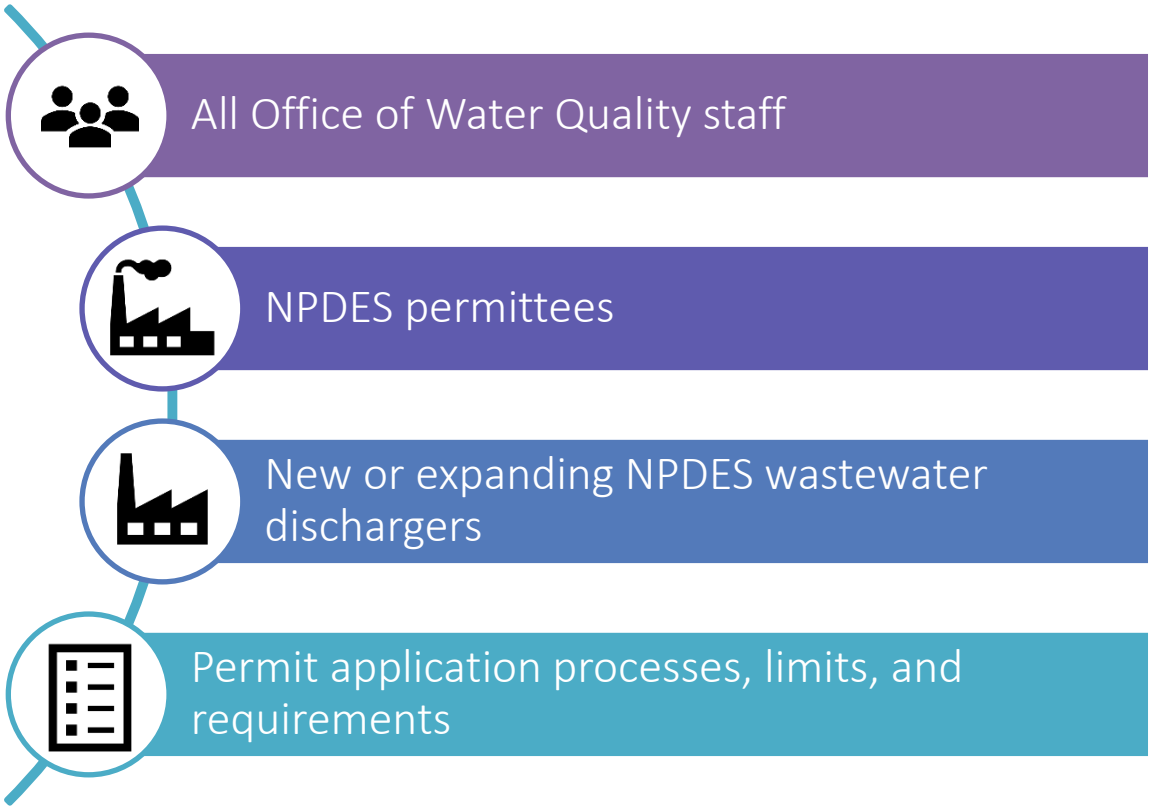
Continuing Planning Process (CPP)

Affected Groups and Items



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Engineer Supervisor, Office of Water Quality

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Continuing Planning Process (CPP)

Significant Changes from Previous Version of Concern to Stakeholders

Addition of guidelines and examples for minimum analytical test method sensitivity and examples of reporting procedures for mixture of non-detect values and detected values

Revision of procedure for evaluation of reported toxics data which uses a table of reasonable potential (RP) multipliers based on 95th percentile probability from EPA Technical Support Document for determining reasonable potential factors for small (10 or less), medium (11-20), and large (21 or greater) data sets based on the number of samples available; as opposed to current procedure of using a single default factor of 2.13 for data sets with less than 20 values and the highest value for data sets with 20 values or greater

Addition of an option to use site-specific hardness values to determine toxic metal water quality criterion for receiving stream of interest; as opposed to ecoregion-based values

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Engineer Supervisor, Office of Water Quality

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Continuing Planning Process (CPP)

Significant Changes from Previous Version of Concern to Stakeholders

Specification of whole effluent toxicity (WET) testing requirements for short-term stormwater-only discharges to be acute testing instead of chronic testing

Addition of an option for site specific toxics criteria development using the recently developed Implementation of Biotic Ligand Model (BLM) for site-specific criteria development for copper, cadmium, nickel, lead, silver, zinc, and other BLM metals as available; as opposed to hardness-based metal criteria determination

Antidegradation Implementation

Carrie McWilliams, P.E.
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Antidegradation Update

Zachary Carroll, Ph.D.
Permit Engineer, Office of Water Quality

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Background

- Clean Water Act Requirement
- Water Quality Standards
- Three Tiers of Water Quality
- 2015 CFR Revisions to Antidegradation
- Arkansas' Antidegradation Plan

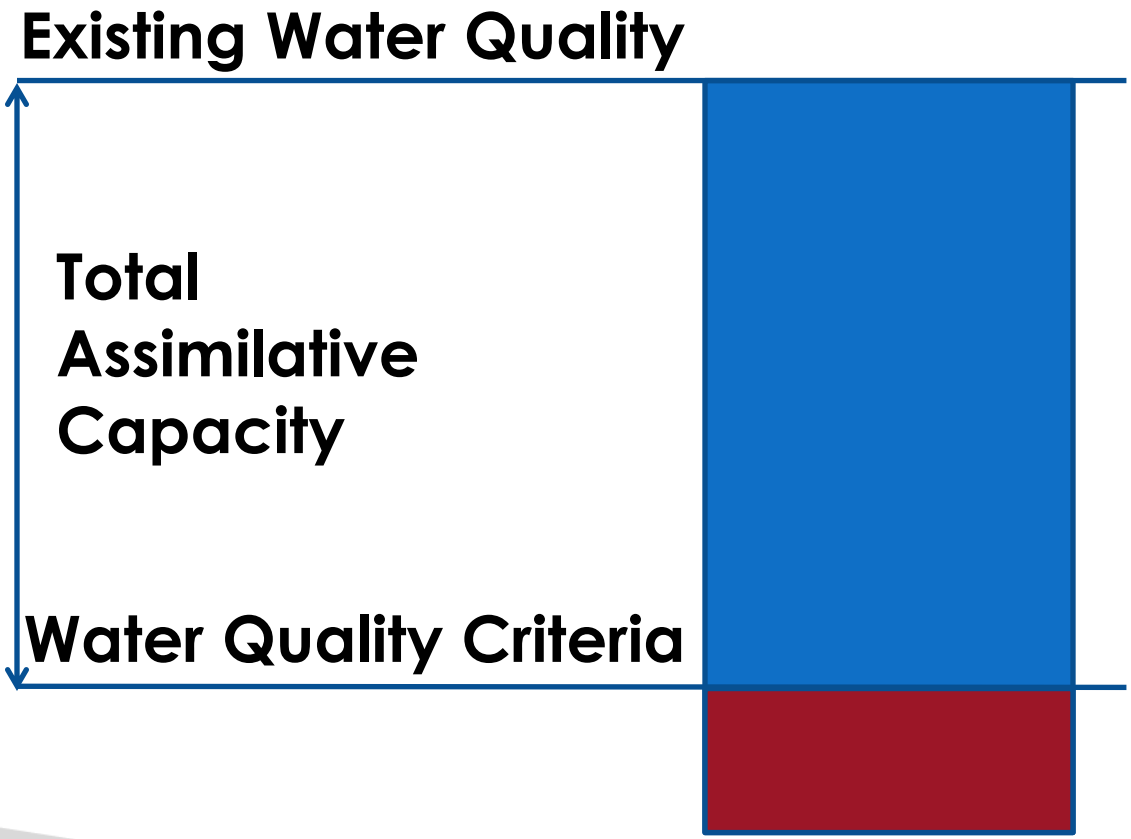
Zachary Carroll, Ph.D.
Permit Engineer, Office of Water Quality

Existing Water Quality

- For many waters, the existing water quality is better than the water quality criteria
  - There can be some degradation of water quality without impairment of uses
    - "assimilative capacity" of the water
  - Degradation of existing water quality must be justified through an antidegradation review

Zachary Carroll, Ph.D.
Permit Engineer, Office of Water Quality

Use of Assimilative Capacity



An antidegradation review is required to justify the use of assimilative capacity

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Permit Engineer, Office of Water Quality

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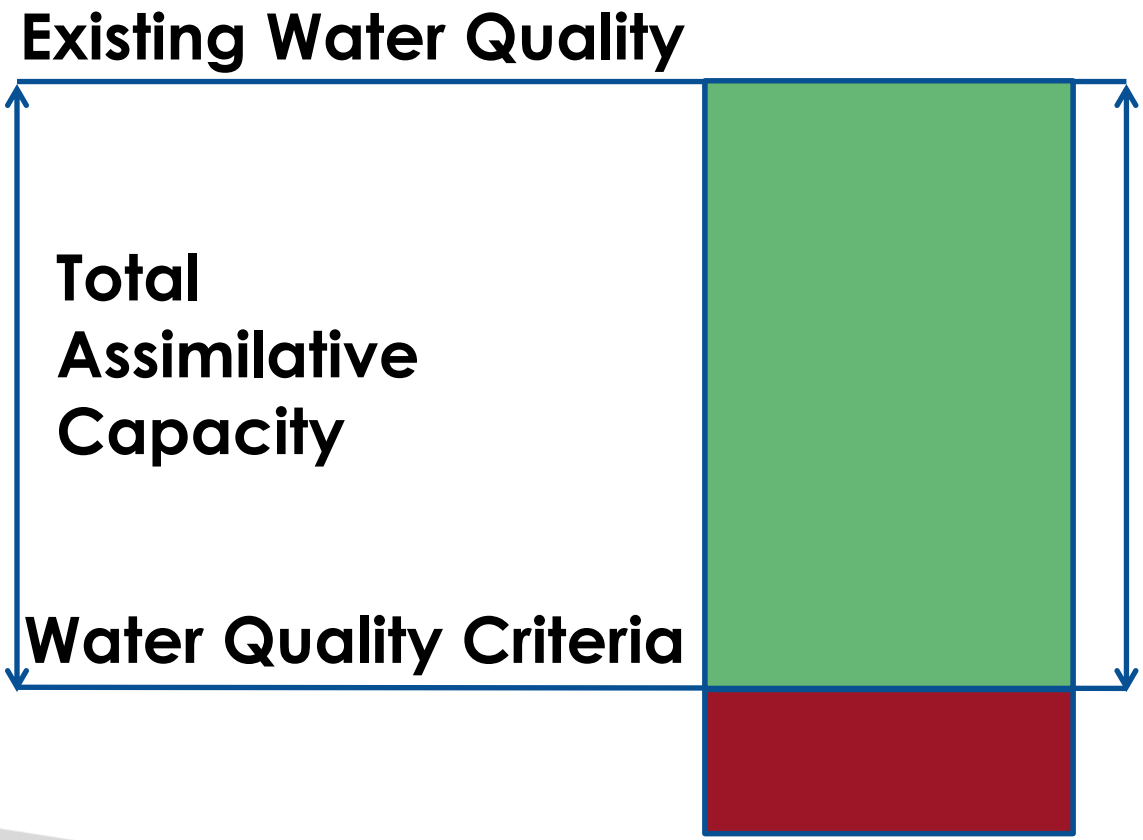
Use of Assimilative Capacity



Often, permits are issued using the entire assimilative capacity of the receiving water

Zachary Carroll, Ph.D.
Permit Engineer, Office of Water Quality

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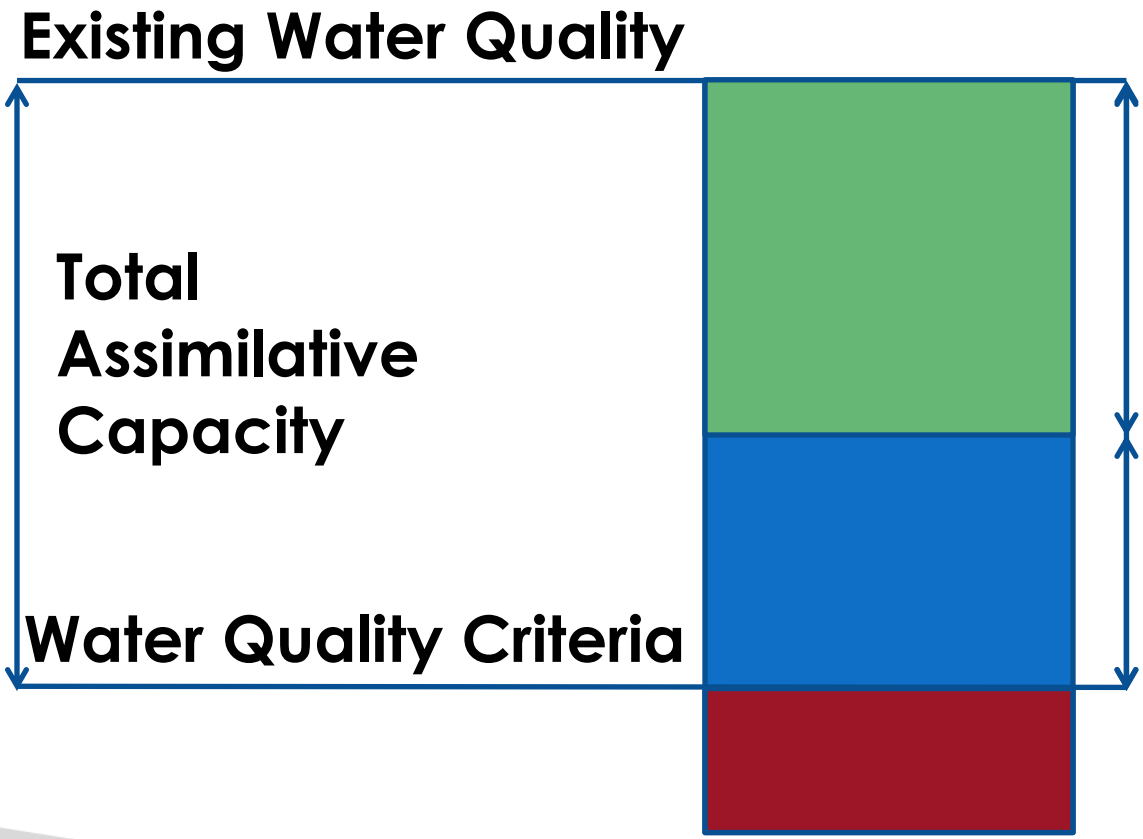
Use of Assimilative Capacity



Antidegradation requires use of less degrading alternatives if economically feasible

Unused Assimilative Capacity

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Water Tiers

- Waterbodies or parameters are assigned tiers based on the allowable uses of their assimilative capacities, such as:
  - Tier 1: No assimilative capacity remaining
  - Tier 2: Assimilative capacity may be used
  - Tier 3: No use of assimilative capacity allowed

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CPP & Antidegradation

Bryan Leamons, P.E.
Sr. Operations Manager, Office of Water Quality

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Implementation Development

- Antidegradation
  - Initial Development
    - January 2017-present
- CPP
  - Several revision attempts to current 2000 version
    - 2016-present
- Future Plans for CPP & Antidegradation
  - Stakeholder meetings in June and July 2020
  - Workshops for applicants well before the final antidegradation implementation

Bryan Leamons, P.E.
Sr. Operations Manager, Office of Water Quality

Stakeholder Invitee Groups

Antidegradation Focus group participants (1 seat each)	State Agencies (1 seat each)	Federal Agencies (1 seat each)
Professional Organizations (1-2 seats each)	Other Watershed Groups and Special Interests (2 seats total)	Other Organizations (1 seat each)

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Questions, Comments On drafts of CPP and AIM

NOTE:
THIS **WILL NOT** BE THE LAST OPPORTUNITY
TO COMMENT ON THE DRAFT CPP
DURING THESE STAKEHOLDER MEETINGS

Questions, Comments On Drafts CPP and AIM

- **Designated Stakeholder Representatives:**
  - **Raise your hand** if you'd like to provide an **audio** question or comment. The facilitator will unmute you.
  - Please be sure to **identify yourself and the stakeholder group** you are representing when providing your **audio** or written **comments** (Zoom Group Chat)
- All Other Guests:
  - Please be sure you are **properly identified** when providing **written** comments (Zoom Group Chat)