

MEMORANDUM

State of Alaska

Department of Transportation & Public Facilities
Statewide Design & Engineering Services Division
Design & Construction Standards Section

TO: Distribution

DATE: December 5, 2011

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FROM: Roger Healy, P.E.
Chief Engineer



SUBJECT: Chief Engineer Directive-
2011 CGP Requirement
for Water Quality
Analysis on Projects in
Parks and Refuges

This action is to comply with requirements in the 2011 for Alaska Construction General Permit (CGP). Effective immediately, the Alaska Department of Environmental Conservation (DEC) must be consulted when determining requirements for water quality analysis on all projects that meet the following:

- will or may discharge storm water to a Tier 3 water body, and
- will submit a Notice of Intent (NOI) for CGP coverage after December 31, 2011

This includes Maintenance & Operations and Facilities projects, projects in preconstruction and projects already bid or awarded that will file a NOI after December 31, 2011.

DEC has not yet produced a list of designated Tier 3 waters, also known as Outstanding Natural Resource Waters (ONRW), but has developed two interim criteria:

1. the water is in a national or state park or wildlife refuge; or
2. the water is of an exceptional recreational or ecological significance

The second criterion is not applicable until DEC produces their list of designated Tier 3 waters. Criterion 1 is applicable, so all waters in a park or refuge are potentially Tier 3 waters.

Consult with DEC to determine whether additional analysis is needed when a construction project may or will discharge storm water to a Tier 3 ONRW. Describe the project scope, affected water body and location to DEC (Wastewater Discharge Authorization Program, Storm Water, 555 Cordova Street, Anchorage, AK 99501). Ask whether there are any additional submittal requirements pursuant to CGP Part 2.1.5¹.

DEC consultation must occur at least 30 days prior to the planned start of construction activities. DEC may establish additional requirements, which may include:

- Conduct and submit a site-specific antidegradation analysis (due at least 14 days prior to filing the NOI for CGP coverage)
- Submit the SWPPP

- Wait for a written reply from DEC before starting construction

Address the following in any required antidegradation analysisⁱⁱ:

- Would the construction project add pollutants in levels that exceed the natural condition of the water body?
- If there would be a lowering of the quality of the receiving water within the park or refuge, would it be temporary? Would it be short-term?

This requirement does not apply if the NOI was filed prior to January 1, 2012. This requirement is intended to address projects that discharge within parks or refuges. If the project is more than one mile upstream of a park or refuge, this requirement would not apply. Although the CGP establishes a 30-day minimum timeframe for consultation with DEC, early consultation (during development of the environmental document) is recommended to reduce the potential for project schedule impacts.

References:

Alaska Antidegradation Policy: 18 AAC 70.015

[http://www.legis.state.ak.us/basis/folioproxy.asp?url=http://www.jnu01.legis.state.ak.us/cgi-bin/folioisa.dll/aac/query=\[JUMP:'18+aac+70!2E015'\]/doc/{@1}?firsthit](http://www.legis.state.ak.us/basis/folioproxy.asp?url=http://www.jnu01.legis.state.ak.us/cgi-bin/folioisa.dll/aac/query=[JUMP:'18+aac+70!2E015']/doc/{@1}?firsthit)

ⁱ APDES General Permit for Discharges from Large and Small Construction Activities (CGP), effective July 1, 2011, Part 2.1.5, "Authorization under this General Permit"

http://www.dec.state.ak.us/water/wnpssc/stormwater/docs/2011_ACGP_20110519_wapp.pdf

ⁱⁱ Interim Antidegradation Implementation Methods, July 14, 2010

http://www.dec.state.ak.us/water/wqsar/Antidegradation/docs/P&P-Interim_Antidegradation_Implementation_Methods.pdf

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