

Five Things You Should Know About Antidegradation and Public Participation

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To Be Covered

- Fact sheet basics
- Project elements
- Findings based on sample set

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Why a Fact Sheet?

- Identifies/describes to the public a proposed new or increased discharge
- Enables the public to be part of government decisions
- Required by State and Federal regulations
- Within bounds, the State determines the level of detail



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What is in a Fact Sheet?

- **Federal 40 CFR 124.8 and 124.56**
- **State (examples)**
 - IL: Summary of the antidegradation analysis.
 - MI: Identify a decision to accept or deny an antidegradation demonstration

Source: U.S. EPA NPDES Permit
Writer's Course, 35 IAC 309.105; MI
Rule 98 Procedure 14.12-13

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Project: **Review fact sheets to see how they address antidegradation**

Project Considerations

1. Do the fact sheets meet minimum requirements at 40 CFR 124.8 and 124.56?
2. Do the fact sheets address information needs of the public?



Project Sample Set

More than 20 NPDES permits across R5 states

- Industrial and municipal
- Increased discharge and new discharge

Range of antidegradation actions

- *De minimis* or exemption
- Important social and economic benefit
- Advanced treatment technology

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1. Fact sheets meet minimum federal and state requirements
 - General facility information
 - Regulatory basis
 - Administrative requirements
 - Detailed rationale for permit conditions
 - Refer to antidegradation

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2. Look for an antidegradation decision as *part of the draft NPDES permit fact sheet*. There is usually not a stand-alone antidegradation fact sheet.



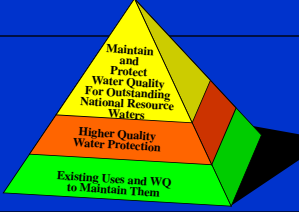
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3. Fact sheets vary in format and level of detail

- The parameters involved
- The concentration/flow/load change
- A description of exclusions, if any
- What was considered in an alternatives analysis
- Level of important social and economic benefit
- Statement of the decision to accept or deny

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4. You won't see "tier" in the fact sheet

	Use Designation	Tier Level
Description	Contact recreation, WWH, CWH, salmonid stream, IWS, AWS, DWS, limited use, OSRW...	
Purpose	<ul style="list-style-type: none"> ➤ Protect designated use in all cases 	<ul style="list-style-type: none"> ➤ Protect designated use in all cases ➤ Prevent unjustified lowering of water quality

The Fifth Thing You Should Know About Antidegradation and Public Participation

5. Stay tuned: Fact sheet content and format evolve as states continue to implement antidegradation

Ultimately, we will be better able to track and understand antidegradation by *improving fact sheets.*

Selected Best Practices

- Familiar, reader-friendly format
- Account for degradation including parameters and amounts
- Concise, clear reference decision documents,
- Terminology is transparent
 - Antidegradation screening, demonstration, review, application