

Appendix B: Antidegradation Review Sheet

ANTIDEGRADATION REVIEW SHEET FOR A PROPOSED INDIVIDUAL NPDES DISCHARGE

401 WQC

1. What is the name of Surface Water that receives the discharge? WILLAMETTE RIVERS {COLUMBIA RIVERS

Briefly describe the proposed activity: dredging of ~ 75,000 cy from Willamette Navigational Channel at RM 2-3 & disposal w/o return water at Hayden Island.

Is this review for a renewal OR (new) (circle one) permit application?

Go to Step 2.

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2. Is this surface water an **Outstanding Resource Water** or **upstream** from an **Outstanding Resource Water**?

Yes. Go to Step 5.

No. Go to Step 3.

3. Is this surface water a **High Quality Water**?

Yes. Go to Step 8.

No. Go to Step 4.

4. Is this surface water a **Water Quality Limited Water**?

Yes. Go to Step 14.

No. Go to Step 2. Note: The surface water must fall into one of three (3) categories: Outstanding Resource Water (Step 2), High Quality Water (Step 3), or Water Quality Limited Water (Step 4).

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5. Will the proposed activity result in a permanent new or expanded source of pollutants directly to or affecting the **Outstanding Resource Water**? [see OAR 340-041-0004(3)-(5) for a description in rule of discharges that do not result in lowering of water quality or do not constitute a new and/or increased discharge or are otherwise exempt from antidegradation review; otherwise see "Is an Activity Likely to Lower Water Quality?" in *Antidegradation Policy Implementation Internal Management Directive for NPDES Permits and Section 401 Water Quality Certifications*.]

Yes. Recommend Preliminary Decision to deny proposed activity (subject to Interagency Coordination and Public Comment). Go to Step 21.

No. Please provide basis for conclusion. Go to Step 6.

6. Will the proposed activity result in a lowering of water quality in the **Outstanding Resource Water**? [see OAR 340-041-0004(3)-(5) for a description in rule of discharges that do not result in lowering of water quality or do not constitute a new and/or increased discharge or are otherwise exempt from antidegradation review; otherwise see "Is an Activity Likely to Lower Water Quality?" in *Antidegradation*

Policy Implementation Internal Management Directive for NPDES Permits and Section 401 Water Quality Certifications.]

- Yes. Please provide basis for conclusion. Go to Step 7.
- No. Please provide basis for conclusion. Go to Step 18.
7. If the proposed activity results in a non-permanent new or expanded source of pollutants directly to or affecting an **Outstanding Resource Water**, will the lowering of water quality in the **Outstanding Resource Water** be on a short-term basis in response to an emergency or to protect human health and welfare?
- Yes. Proceed with Application Process to Interagency Coordination and Public Comment. Go to Step 21.
- No. Recommend Preliminary Decision to deny proposed activity (subject to Interagency Coordination and Public Comment). Go to Step 18.
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8. Will the proposed activity result in a Lowering of Water Quality in the **High Quality Water**[see OAR 340-041-0004(3)-(5) for a description in rule of discharges that do not result in lowering of water quality or do not constitute a new and/or increased discharge or are otherwise exempt from antidegradation review; otherwise see "Is an Activity Likely to Lower Water Quality?" in *Antidegradation Policy Implementation Internal Management Directive for NPDES Permits and Section 401 Water Quality Certifications*.]
- Yes. Go to Step 9.
- No. Proceed with Permit Application. Applicant should provide basis for conclusion. Go to Step 21.
9. OAR 340-041-0004(6)(c) of the *High Quality Waters Policy* requires that the Department evaluate the application to determine all water quality standards will be met and beneficial uses protected after allowing discharge to **High Quality Waters**. Will all water quality standards be met and beneficial uses protected?
- Yes. Please provide basis for conclusion. Proceed with Application Process to Interagency Coordination and Public Comment. Go to Step 10.
- No. Please provide basis for conclusion. Recommend Preliminary Decision to deny proposed activity (subject to Interagency Coordination and Public Comment). Go to Step 21.
10. OAR 340-041-0004(6)(a) of the *High Quality Waters Policy* requires that the Department evaluate the application to determine if no other reasonable alternatives exist except to discharge to **High Quality Waters**. Were any of the alternatives (at a minimum, the following list must be considered) feasible?
- Improved operation and maintenance of existing treatment system
 - Recycling or reuse with no discharge
 - Discharge to on-site system
 - Seasonal or controlled discharges to avoid critical water quality periods
 - Discharge to sanitary sewer

- Land application

- Yes. Please provide basis for conclusion (see below for information requirements). Recommend Preliminary Decision that applicant use alternative. Go to Step 8.
- No. Please provide basis for conclusion (see below for information requirements). Go to Step 11.

In a separate statement to this application, please explain the *technical feasibility* of the alternative, explain the *economic feasibility* of the alternative, and provide an *estimated cost* of NPDES permit alternative for a five-year period from start-up.

11. OAR 340-041-0004(6)(b) of the *High Quality Waters Policy* requires that the Department evaluate the application to determine if there are social and economic benefits that outweigh the environmental costs of allowing discharge to High Quality Waters. Do the social and economic benefits outweigh the environmental costs of lowering the water quality?
- Yes. Please provide basis for conclusion (see below for information requirements). Go to Step 12.
- No. Please provide basis for conclusion (see below for information requirements). Go to Step 21.

The basis for conclusion should include a discussion of whether the lowering of water quality is necessary and important. "Necessary" means that the same social and economic benefits cannot be achieved with some other approach. "Important" means that the value of the social and economic benefits due to lowering water quality is greater than the environmental costs of lowering water quality. Benefits can be created from measures such as:

- Creating or expanding employment (provide current/expected number of employees, type & relative amount of each type)
- Increasing median family income
- Increasing community tax base (provide current/expected annual sales, tax info)
- Providing necessary social services
- Enhancing environmental attributes

and Environmental Costs can include:

- Losing assimilative capacity otherwise used for other industries/development
- Impacting fishing, recreation, and tourism industries negatively
- Impacting health protection negatively
- Impacting societal value for environmental quality negatively

12. OAR 340-041-0004(6)(d) of the *High Quality Waters Policy* requires that the Department to prevent federal threatened and endangered aquatic species from

being adversely affected. Will the lowering the water quality likely result in adverse effects on federal threatened and endangered aquatic species?

Yes. Please provide basis for conclusion (see below for information requirements). Go to Step 21.

No. Please provide basis for conclusion (see below for information requirements). Go to Step 13.

13. Will the lowering of water quality in the **High Quality Water** be on a short-term basis in response to an emergency or to protect human health and welfare?

Yes. Go to Step 18.

No. Recommend Preliminary Decision to deny proposed activity (subject to Interagency Coordination and Public Comment). Go to Step 21.

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14. Will the proposed activity result in a Lowering of Water Quality in the **Water Quality Limited Water**? [see OAR 340-041-0004(3)-(5) for a description in rule of discharges that do not result in lowering of water quality or do not constitute a new and/or increased discharge or are otherwise exempt from antidegradation review; otherwise see "Is an Activity Likely to Lower Water Quality?" in *Antidegradation Policy Implementation Internal Management Directive for NPDES Permits and Section 401 Water Quality Certifications*.]

Yes. Go to Step 15.

☒ No. Proceed with Permit Application. Applicant should provide basis for conclusion. Go to Step 21.

15. OAR 340-041-0004(9)(a)(A) of the *Water Quality Limited Waters Policy* requires that the Department evaluate the application to determine that all water quality standards will be met. Will all water quality standards be met?

Yes. Please provide basis for conclusion. Go to Step 16.

No. Please provide basis for conclusion. Recommend Preliminary Decision to deny proposed activity (subject to Interagency Coordination and Public Comment). Go to Step 21.

16. OAR 340-041-0004(9)(a)(C) of the *Water Quality Limited Waters Policy* requires that the Department evaluate the application to determine that all recognized beneficial uses will be met and that threatened or endangered species will not be adversely affected. Will all beneficial uses be met and will threatened or endangered species be protected from adverse effects?

Yes. Please provide basis for conclusion. Go to Step 17.

No. Please provide basis for conclusion. Recommend Preliminary Decision to deny proposed activity (subject to Interagency Coordination and Public Comment). Go to Step 21.

17. OAR 340-041-0004(9)(a)(D)(i-iv) of the *Water Quality Limited Waters Policy* requires that the Department evaluate the application for one of the following: Will

the discharge be associated (directly or indirectly) with the pollution parameter(s) causing the waterbody to be designated a Water Quality Limited Water?

Yes. Please provide basis for conclusion. Recommend Preliminary Decision to deny proposed activity (subject to Interagency Coordination and Public Comment). Go to Step 21.

No. Please provide basis for conclusion. Go to Step 18.

Have TMDLs, WLAs, LAs, and reserve capacity been established, compliance plans been established, and is there sufficient reserve capacity to assimilate the increased load under the established TMDL?

Yes. Please provide basis for conclusion. Go to Step 18.

No. Please provide basis for conclusion. Recommend Preliminary Decision to deny proposed activity (subject to Interagency Coordination and Public Comment). Go to Step 21.

Will the proposed activity meet the requirements, as specified under OAR 340-041-0004(9)(a)(D)(iii) of the *Water Quality Limited Waters Policy*, for dissolved oxygen?

Yes. Please provide basis for conclusion. Go to Step 18.

No. Please provide basis for conclusion. Recommend Preliminary Decision to deny proposed activity (subject to Interagency Coordination and Public Comment). Go to Step 21.

Will the activity solve an existing, immediate, and critical environmental problem?

Yes. Please provide basis for conclusion. Go to Step 18.

No. Please provide basis for conclusion. Recommend Preliminary Decision to deny proposed activity (subject to Interagency Coordination and Public Comment). Go to Step 21.

18. Is the proposed activity consistent with local land use plans?

Yes. Go to Step 19.

No. Please provide basis for conclusion. Recommend Preliminary Decision to deny proposed activity (subject to Interagency Coordination and Public Comment). Go to Step 21.

19. OAR 340-041-0004(9)(c)(A) requires the Department to consider alternatives to lowering water quality. Were any of the alternatives (at a minimum, the following list must be considered) feasible?

- Improved operation and maintenance of existing treatment system
- Recycling or reuse with no discharge
- Discharge to on-site system
- Seasonal or controlled discharges to avoid critical water quality periods
- Discharge to sanitary sewer
- Land application

- Yes. Please provide basis for conclusion (see below for information requirements). Recommend Preliminary Decision that applicant use alternative. Go to Step 14.
- No. Please provide basis for conclusion (see below for information requirements). Go to Step 20.

In a separate statement to this application, please explain the *technical feasibility* of the alternative, explain the *economic feasibility* of the alternative, and provide an *estimated cost* of NPDES permit alternative for a five-year period from start-up.

20. OAR 340-041-0004(9)(c)(B) of the *Water Quality Limited Waters Policy* requires the Department to consider the economic effects of the proposed activity, which in this context consists of determining if the social and economic benefits of the activity outweigh the environmental costs of allowing a lowering of water quality. Do the social and economic benefits outweigh the environmental costs of lowering the water quality?
- Yes. Please provide basis for conclusion. Proceed with Application Process to Interagency Coordination and Public Comment. Go to Step 21.
- No. Please provide basis for conclusion. Recommend Preliminary Decision to deny proposed activity (subject to Interagency Coordination and Public Comment). Go to Step 21.

The basis for conclusion should include a discussion of whether the lowering of water quality is necessary and important. "Necessary" means that the same social and economic benefits cannot be achieved with some other approach. "Important" means that the value of the social and economic benefits due to lowering water quality is greater than the environmental costs of lowering water quality. Benefits can be created from measures such as:

- Creating or expanding employment (provide current/expected number of employees, type & relative amount of each type)
- Increasing median family income
- Increasing community tax base (provide current/expected annual sales, tax info)
- Providing necessary social services
- Enhancing environmental attributes

and Environmental Costs can include:

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 - Impacting fishing, recreation, and tourism industries negatively
 - Impacting health protection negatively
 - Impacting societal value for environmental quality negatively
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21. On the basis of the Antidegradation Review, the following is recommended:

☒ Proceed with Application to Interagency Coordination and Public Comment Phase.

☐ Deny Application; return to applicant and provide public notice.

Action Approved

Section:

401WQC

Review Prepared By:

L. ALEXANDRA LIVERMAN

Phone:

503 229-6030

Date Prepared:

09/15/10

Please provide the following information and submit with the completed application form to:

Department of Environmental Quality
Water Quality Division—Surface Water Management
811 SW Sixth Avenue
Portland, Oregon 97204-1390

Name:

Name of Company:

Address:

Phone:

Fax: