

Applicant Name: \_\_\_\_\_ Date: \_\_\_\_\_

## **Antidegradation Demonstration for Exceptional Resource Waters (Tier 2 Waters) and for Outstanding Resource Waters (Tier 2.5 Waters)**

One of the key components in the Water Quality Standards (WQS) of the Bad River Band of Lake Superior Tribe of Chippewa Indians (Tribe) is the Antidegradation Policy. The purpose of the Antidegradation Policy is to protect existing uses and prevent clean waters from being unnecessarily degraded. Provision E.2. of the Tribe's WQS describes the Antidegradation Policy in detail.

An antidegradation demonstration must be submitted to the Tribe's Water Resources Program by any entity seeking to lower water quality in an Exceptional Resource Water (ERW) or in an Outstanding Resource Water (ORW).\*

Provision E.2.i of the Tribe's WQS defines waters designated as Exceptional Resource Waters (ERW) (*Anishinaabosibiing*) or Tier 2 waters. A Tier 2 water includes any surface waters not specifically classified as an Outstanding Resource Water (Tier 2.5 water) or an Outstanding Tribal Resource Water (Tier 3 water).

Provision E.2.ii of the Tribe's WQS list waters designated as Outstanding Resource Waters (ORW) (*Chi minosibii*) or Tier 2.5 waters. These Tier 2.5 waters include: a portion of Bad River, from downstream the confluence with the White River to Lake Superior, White River, Marengo River, Graveyard Creek, Bear Trap Creek, Wood Creek, Brunswailer River, Tyler Forks, Bell Creek and Vaughn Creek.

The Antidegradation Demonstration for ERW shall contain the information described in provision E.4.ii of the Tribe's Water Quality Standards. The Antidegradation Demonstration for ORW shall contain the information described in provision E.4.iii of the Tribe's Water Quality Standards. This information includes the following:

1. Description of Project:  
*Summarize the project, including the location and scope of the proposed activity.*

\* An Antidegradation Demonstration must be submitted to the Tribe's Water Resources Program by any entity seeking to lower water quality in an Outstanding Tribal Resource Water (OTRW); only a short-term, temporary lowering of water quality may be allowed in an OTRW. The Antidegradation Demonstration requirements for an OTRW are significantly different from an ORW and ERW; a different template is available for an Antidegradation Demonstration related to an OTRW. OTRWs (or Tier 3 waters) include: Kakagon Slough and the lower wetland reaches of its tributaries that support wild rice, Kakagon River, Bad River Slough, Honest John Lake, Bog Lake, a portion of Bad River, from where it enters the Reservation through the confluence with the White River, and Potato River.

2. Pollution Prevention Alternatives Analysis:

- *ERW/ORW: Identify any pollution prevention alternatives and techniques that are available to the entity that would eliminate or reduce the extent to which the increased loading results in a lowering of water quality.*
- *ORW: Must identify that no increased loads of BCCs shall be discharged. Demonstrate that there will be achieved the highest statutory and regulatory requirements for new and existing pollution sources.*

3. Alternative or Enhanced Treatment Analysis:

*ERW/ORW: Identify alternative or enhanced treatment techniques that are available to the entity that would eliminate or substantially reduce the lowering of water quality and their costs relative to the cost of treatment necessary to achieve applicable effluent limitations.*

4. Social or Economic Development Analysis:

*ERW/ORW: Identify the social or economic development and the benefits to the area in which the waters are located that will be diminished or foregone if the lowering of water quality is not allowed.*

5. Water Quality Assessment:

*ERW/ORW: Demonstrate that the resulting water quality will be protective of existing uses and that discharges will not exceed water quality criteria.*

6. Special Provision for Remedial Actions.

*ERW/ORW: Entities proposing remedial actions pursuant to the CERCLA, as amended, corrective actions pursuant to the Resource Conservation and Recovery Act, as amended, or similar actions pursuant to other Federal or State environmental statutes may submit information to the Water Resources Program that demonstrates that the action utilizes the most cost effective pollution prevention and treatment techniques available, and minimizes the lowering of water quality, in lieu of the information required in sections a. through d. above.*

*\* Please note that if a thermal discharge is involved, additional information may be needed to ensure consistency with Section 316 of the Clean Water Act (Tribe's WQS provision E.2.iv.).*