

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

### **Antidegradation Demonstration for Outstanding Tribal Resource Waters (Tier 3 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 describe 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 Outstanding Tribal Resource Water (OTRW) on a short-term, temporary basis.

Provision E.2.iii of the Tribe's WQS list waters designated as Outstanding Tribal Resource Waters (*Chi minosingbii*). These 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.

The Antidegradation Demonstration for OTRW shall contain the information described in provision E.4.iv of the Tribes' Water Quality Standards. This information includes the following:

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

2. Identification of Applicable Category:

*Demonstrate the discharge will arise entirely from one of the categories listed in (E)(3)(ii), which includes:*

- a. Maintenance/repair of existing roads, bridges, boat landings, culverts, septic systems, or other similar structures; construction of buildings, wells, roads, or other similar structures.*
- b. Response actions undertaken to alleviate a release into the environment of hazardous substances, pollutants, or contaminants which may pose an imminent and substantial danger to public health or welfare.*
- c. Actions undertaken to restore culturally important species and their habitats.*

3. Short Term, Temporary Assessment:

*Demonstrate the discharge will not lower the water quality beyond the short term, temporary criteria (no more than 6 months, and no more than necessary).*

4. Showing of Necessity:

*Identify the project need and demonstrate increased loading is a necessity.*

5. Pollution Prevention Alternatives Analysis:

*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. 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.*

6. Alternative or Enhanced Treatment Analysis:

*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.*

*\* 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.).*