

Proposed Rule Change  
DNR 391-3-6-(03)2 Water Quality Enhancement

---

EPD is proposing to change our rule for Water Quality Enhancement to be consistent with EPA's Antidegradation Rule 131.12. The proposed change is shown below. Additions are underlined and deletions are struck-through.

(2) Water Quality Enhancement

(a) The purposes and intent of the State in establishing Water Quality Standards are to provide enhancement of water quality and prevention of pollution; to protect the public health or welfare in accordance with the public interest for drinking water supplies, conservation of fish, wildlife and other beneficial aquatic life, and agricultural, industrial, recreational, and other reasonable and necessary uses and to maintain and improve the biological integrity of the waters of the State.

~~(b) Those waters in the State whose existing quality is better than the minimum levels established in standards on the date standards become effective will be maintained at high quality; with the State having power to authorize new developments, when it has been affirmatively demonstrated to the State that a change is justifiable to provide necessary social or economic development; and provided further that the level of treatment required is the highest and best practicable under existing technology to protect existing beneficial water uses. Existing instream water uses and the level of water quality necessary to protect existing beneficial water uses. Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected. All requirements in the Federal Regulations, 40 C.F.R. 131.12, will be achieved before lowering of water quality is allowed for high quality water.~~

(b) (i) Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.

(ii) Where the quality of the waters exceed levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the division finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the division's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such degradation or lower water quality, the division shall assure water quality adequate to protect existing uses fully. Further, the division shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable best management practices for nonpoint source control.

(c) Outstanding National Resource Waters (ONRW). This designation will be considered for an outstanding national resource waters, such as waters of national or State parks and wildlife refuges and waters of exceptional recreational or ecological significance. For waters designated ONRW, existing water quality shall be maintained and protected.

(i) No new point source discharges or increases in the discharge of pollutants above permitted level from existing point source discharges to ONRW shall be allowed.

(ii) Existing point source discharges to ONRW shall be allowed provided they are treated or controlled in accordance with applicable laws and regulations.

(iii) New point source discharges or expansions of existing point source discharges to waters upstream of, or tributary to, ONRW shall be regulated in accordance with applicable laws and regulations, including compliance with water quality criteria for the use classification applicable to the particular water. However, no new point source discharge or expansion of an existing point source discharge to waters upstream of, or tributary to, ONRW shall be allowed if such discharge would not maintain and protect water quality within the ONRW.

(d) In applying these policies and requirements, the ~~State of Georgia~~ division will recognize and protect the interest of the Federal Government in interstate and intrastate (including coastal and estuarine) waters. Toward this end, the ~~State of Georgia~~ division will consult and cooperate with the Environmental Protection Agency on all matters affecting the Federal interest.

(e) In those cases where potential water quality impairment associated with a thermal discharge is involved, the division's actions shall be consistent with Section 316 of the Federal Clean Water Act.