

GA Environmental Protection Division – Watershed Protection Branch

Comment and Response Summary

2022 Triennial Review of Water Quality Standards

9/6/2024

1. Comment: There are questions regarding some of the additional compounds and the appropriate methods to be used for NPDES permittees when performing wastewater monitoring. For example, Hexachlorocyclohexane (HCH)-Technical or t-HCH is a compound that can be analyzed by EPA 8081B but it is not part of the EPA 608.3 required method for pesticides in wastewater.

Response: GA Environmental Protection Division (EPD) does not intend to adopt criteria for compounds for which there is not an existing approved test method in 40 CFR part 136. EPD will be adopting criteria 5 of the proposed 11 new pollutants that have approved analytical methods in 391-3-6-.03(5)(e)(iv). EPD will not be adopting criteria for the following pollutants: 1,2,4,5-Tetrachlorobenzene; 2,4,5-Trichlorophenol; Bis(Chloromethyl) Ether; Dinitrophenols; Hexachlorocyclohexane (HCH)-Technical; Pentachlorobenzene.

2. Comment: It was recommended that EPD adopt all four components of the 2016 Aquatic Life Criteria for Selenium.

Response: EPD will be adopting the four-element selenium criterion recommended by EPA.

3. Comment: It was recommended to include in the adoption a recalculated criteria for non-sturgeon waters.

Response: EPD acknowledges that the recommended selenium criteria are more protective than necessary in sturgeon-absent waters. The following footnote was added to the rule to accommodate this concept:

^G The water column criterion element may be modified on a site-specific basis as follows:

- i. Stakeholders interested in nominating a waterbody for sturgeon-absent site-specific selenium criteria must notify EPD of their interest and consult with EPD regarding methods for determining absence of sturgeon. Following notification and consultation the interested stakeholder must submit current documentation of absence of fishes in the Order Acipenseriformes (Order includes sturgeon and paddlefish).
- ii. Upon review and approval by EPD, in consultation with the Georgia Wildlife Resource Division (WRD), the Environmental Protection Agency (EPA), and U.S. Fish and Wildlife, the stakeholder will be notified to proceed to additional data collection and analysis steps required to develop site-specific selenium criteria.
- iii. Appendix K of the EPA's 2016 recommend selenium criteria document (EPA 822-R-16-006) and the 2013 EPA Revised Deletion Process for the Site-Specific Recalculation Procedure for Aquatic Life Criteria (EPA-823-R-13-001) shall be used by the stakeholder to conduct their own site-specific recalculation procedure, including establishing appropriate fish species to be included, conducting the necessary field data collection and analysis, and determining appropriate four-element Se criteria. This

information will be used as supporting documentation for the recalculation of the site-specific criteria. EPD will need to approve the study plan, supporting documentation, and final criteria.

- iv. Once the recalculated criteria and supporting documentation have been submitted and approved, EPD can then propose adoption of the recalculated criteria table as subparagraph c under paragraph 18 of this Rule, which lists site-specific criteria and allows for the adoption of waterbodies for which those criteria apply. The adoption of site-specific selenium criteria is subject to the Rule revision process. The implementation of the site-specific selenium criteria is subject to EPA's approval of the revised Rules.

4. Comment: It was recommended to update the Waste Treatment and Permit Requirement Rules (391-3-6-.06) and EPD's Reasonable Potential Analysis Guidance in parallel with the water quality standard adoption to specify that the 30Q3 flow statistic is the critical flow value to be used in the dilution factor calculation when performing Reasonable Potential Analysis (RPA) for selenium.

Response: EPD will utilize a 30-day, 10-year (30Q10) minimum flow statistic for selenium in 391-3-6-.03(5)(e)(ii). The 30-day duration accounts for the fact that the toxicity test used to develop the criteria was a 30-day chronic test. The 10-year recurrence interval is consistent with the flow recurrence interval used for other aquatic life criteria given in 391-3-6-.03(5)(e)(ii). The exceedance frequency of "not more than once in three years on average" will be outlined in the 305(b)/303(d) Listing Assessment Methodology.

5. Comment: It was recommended to include language in the updated standard that specifically states that tissue from fish collected in the nearest downstream waters may be used for assessing compliance with the standard in fishless streams and for NPDES evaluation purposes for discharges to fishless streams.

Response: EPA's selenium criteria document defines fishless waters as "waters with insufficient instream habitat and/or flow to support a population of any fish species on a continuing basis, or waters that once supported populations of one or more fish species but no longer support fish (i.e., extirpation) due to temporary or permanent changes in water quality (e.g., due to selenium pollution), flow or instream habitat." In such streams, EPA states that "water column concentrations will best represent selenium levels required to protect aquatic communities and downstream waters."

6. Comment: It was recommended to consider adoption of performance-based methodology(ies) for deriving site-specific selenium standards.

Response: EPD will not be adopting performance-based methodologies for deriving site-specific selenium standards at this time.