

GUIDANCE FOR RECOMMENDING A CHANGE IN DESIGNATED USE

The purpose of this guidance is to assist the public and stakeholders when requesting a change in the designated use of a waterbody. This guidance is intended for situations where additional designated uses are added to the existing designated use. Removing an existing designated use is a complex, technical process requiring a Use Attainability Analysis (UAA) as outlined in the Rules for Water Quality Control (391-3-6-.03(2)(f)) and is not covered in this document. For additional information about removing designated uses and UAAs, please contact the Georgia Environmental Protection Division (EPD) directly. Recommendations in the guidance are not binding. EPD may consider other approaches consistent with the Georgia Water Quality Control Act, Georgia Administrative Procedures Act, and the Federal Clean Water Act.

1.0 Background

The objective of the federal Water Pollution Control Act (commonly known as the Clean Water Act or CWA) is to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters, and to achieve wherever attainable, the goal of providing for the protection and propagation of fish, shellfish, wildlife, and providing for recreation in and on the water. Water quality standards are used by states to meet these goals and are a fundamental component of watershed management. CWA section 303(c) and 40 §CFR 131.20 require Georgia to review and revise its water quality standards periodically, but at least once every three years. This process is known as the Triennial Review.

Water quality standards are composed of three parts: designated uses, narrative and numeric water quality criteria, and the antidegradation policy. Any component of the water quality standards can be reviewed during the Triennial Review, including designated use classifications of specific waterbodies. While designated use changes can be considered outside of this process, the Triennial Review is typically the process that EPD uses to consider a change in designated use.

1.1 Designated Uses

Designated uses establish the environmental use of a waterbody. All waters in Georgia are “high quality waters” (see section 1.3), and all of Georgia’s designated uses meet the goals of section 101(a)(2) of the CWA, which “provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water” (fishable/swimmable).

There are six designated uses in Georgia, found in Section 4 and described in Section 6 of the Georgia Rules for Water Quality Control (Chapter 391-3-6-.03). They are:

- a. **Drinking Water Supplies:** those waters approved as a source for public drinking water systems permitted or to be permitted by EPD. Waters classified for drinking water supplies will also support the fishing use and any other use requiring water of a lower quality.
- b. **Recreation:** primary recreational activities that occur year-round such as swimming, diving, white water boating (class 3+), water skiing, and surfing or for any other use

requiring water of a lower quality, such as recreational fishing. These criteria are not to be interpreted as encouraging water contact sports in proximity to sewage or industrial waste discharges regardless of treatment requirements.

- c. Fishing: propagation of Fish, Shellfish, Game and Other Aquatic Life; secondary contact recreation in and on the water; or for any other use requiring water of a lower quality.
- d. Wild River: for all waters designated as "Wild River," there shall be no alteration of natural water quality from any source.
- e. Scenic River: for all waters designated as "Scenic River," there shall be no alteration of natural water quality from any source.
- f. Coastal Fishing: for waters designated as "Coastal Fishing", site specific criteria for dissolved oxygen will be assigned. All other criteria and uses for the fishing use classification will apply for coastal fishing.

EPD designates all waters in Georgia as “fishing” to protect aquatic life. Waters can have additional designated uses assigned to them to acknowledge the water’s current use. The list of waters with other designated uses can be found in Section 14 of Georgia’s Rules for Water Quality Control.

1.2 Narrative and numeric water quality criteria

The specific numeric water quality criteria to support each designated use can be found in Section 6 of Georgia’s Rules for Water Quality Control. These criteria are in addition to the general narrative and numeric criteria given in Section 5 of Georgia’s Rules for Water Quality Control that are applied across all designated uses. In waterbodies that have multiple designated uses, the more stringent numeric criteria will be used. A chart comparing the specific numeric criteria is provided in Appendix A.

1.3 Antidegradation policy

Antidegradation requirements were developed to ensure enhanced protection of “high quality waters” and promote public transparency. The federal rules outline three levels of antidegradation protection: Tier 1, Tier 2 (“high quality waters”), and Tier 3 (“outstanding national resource waters”). All waters in Georgia, regardless of their designated use, are at a minimum “high quality waters” (Tier 2), which have water quality that exceeds levels necessary to support the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water. For all new or expanding point sources, an antidegradation analysis is required. If the State finds that lowering the quality is necessary to accommodate important economic or social development in the area in which the waterbody is located, then the water quality cannot be lowered beyond the point at which the designated uses can no longer be met. The water quality must remain adequate to fully protect existing uses. Section 2 of Georgia’s Rules for Water Quality Control require that the antidegradation analysis evaluate a range of practicable alternatives that would prevent or lessen the degradation of the waterbody.

In addition to the antidegradation policy, EPD uses several other tools to maintain or restore water quality sufficient to meet the waterbody's designated uses, including indirect potable reuse (IPR) guidance, Total Maximum Daily Loads (TMDLs), and watershed management plans.

2.0 When to consider nominating a waterbody for a designated use change

The following criteria must be met for a waterbody to be considered for a change to the designated use:

- a. **Drinking Water Supplies:** the waterbody is currently being used or will be used as a source for permitted public drinking supply system(s), as documented in a water withdrawal and/or drinking water permit or permit application.
- b. **Recreation:** the waterbody is currently being used for primary recreation; there is broad community support for the continued use of the waterbody for primary recreation; and the community has made or plans to make financial investments to promote the use of the waterbody for primary recreation.
- c. **Fishing:** Except for the segment of the Savannah River (from the Coastal Railroad to Fort Pulaski) that is designated as Coastal Fishing, all waters in Georgia are already designated as "fishing" and may have other designated uses. Consequently, EPD does not anticipate receiving nominations for changes to "fishing" as a designated use.
- d. **Wild River:** The natural water quality of these waters has not been altered from any source, including point and nonpoint sources. These waterbodies are typically located within federally and state-protected lands, such as Wilderness Areas, Wildlife Management Areas, and National Forests.
- e. **Scenic River:** The natural water quality of these waters has not been altered from any source, including point and nonpoint sources. These waterbodies are typically located within federally and state-protected lands, such as Wilderness Areas, Wildlife Management Areas, and National Forests.
- f. **Coastal Fishing:** This classification is applicable to specific waterbodies located in the Sea Islands/Coastal Marsh ecoregion (75j from "Level III and IV Ecoregions in Georgia," Griffith, et al, 2001) and will be assigned site-specific criteria for dissolved oxygen. A map of the level III and IV ecoregions in Georgia is provided in Appendix B. The nominator must provide data, studies, and water quality models characterizing the natural dissolved oxygen levels for the waterbody as part of the nomination process.

Please note that changing the designated use is not a means to attain water quality standards. Designated uses are intended to establish goals and acknowledge current uses of waterbodies, such as supporting aquatic life and protecting human health. Under some circumstances, the designated use is not being met, and nominators may have implemented monitoring and various watershed activities to improve water quality. Requested changes in designated use should include a summary of these activities and plans for improving water quality to support the existing use and proposed use.

3.0 Steps for Nominating a Waterbody for a Change in Designated Use

EPD's goal is to address nominated waterbodies in a timely manner. To meet that goal, the process to change a waterbody's designated use occurs in three stages: Initial Nomination Stage, Evaluation Stage, and Stakeholder Engagement Stage. This multi-step approach allows EPD to assess the proposed designated use changes, determine the resources necessary to thoroughly evaluate the recommendations, and provide frequent and timely feedback prior to the nominators expending significant effort to complete nomination packages for every waterbody. EPD will communicate with the nominators during each stage about which nominated waterbodies should proceed under the current Triennial Review. Based on EPD feedback, waterbodies can be repropose in subsequent Triennial Reviews.

3.1 Initial Nomination Stage

Any individual or organization nominating a waterbody for a change in designated use should contact EPD's Watershed Planning & Monitoring Program. EPD encourages nominators to provide initial nominations within six months of the initial hearing for the Triennial Review. Nominators can provide nominations after that point, which EPD will review as time and resources allow.

With the initial nomination, the nominator must provide a map, along with the name, segment description, current designated use, desired new designated use, and length of the waterbody using the "Designated Use Change Initial Nomination Form" found at <https://epd.georgia.gov/document/document/designatedusechangeinitialnominationform012622>. Nominators wishing to nominate multiple waterbodies must submit a separate nomination form for each waterbody.

For the "segment description" field, nominators must list specific names of waterbodies and landmarks (e.g., tributaries or road crossings) for starting and ending points. Naming an entire water trail is not specific enough and often includes parts of several waterbodies that would need to be nominated separately. Nominators can consult with EPD staff if they need assistance defining segments.

Nominators that have submitted the Initial Nomination Form may choose to consult with EPD staff before submitting documentation for the evaluation stage. Nominators who already have the documentation for the evaluation stage may submit it with the initial nomination.

3.2 Evaluation Stage

After reviewing the initial nominations, EPD will proceed with the evaluation of all or a subset of those nominated waterbodies, depending on the number of waterbodies nominated. Any nomination not considered due to limited resources will be held to the next Triennial Review.

3.2.1 Required Information

Nominators should submit the following documents for evaluation:

- a. Documentation of the qualification criteria described in section 2.0.

- i. Drinking water: Nominators are required to submit documentation of a current or proposed drinking water intake. Acceptable documentation includes the permit number or copy of the permit application.
 - ii. Recreation: Nominators are required to submit coordinates for the location of recreation activities and investments to support recreation for each nominated waterbody using the “Recreation Location Data Template” found at <https://epd.georgia.gov/document/document/recreation-location-data-template20220125>. The template must be completed following the format described on the “Intro & Definitions” tab. Please note that the nominators must provide evidence of year-round primary contact recreation.
 - iii. Coastal Fishing: Nominators must provide data, studies, and water quality models characterizing the natural dissolved oxygen levels for the waterbody.
- b. Letters of support. Community support is an important consideration for changing a designated use. Nominators must solicit letters of support from the stakeholders, such as local governmental agencies, businesses, landowners, and other members of the surrounding communities. Letters of support should clearly indicate support for the proposed designated use change for the specified waterbody.

EPD will not proceed with the evaluation of the proposed change in designated use for waterbodies with incomplete nomination packages, packages submitted using forms other than the template forms provided, or templates not submitted in the correct format. Nominators can consult with EPD staff if they have questions about the required forms.

3.2.2 EPD’s Evaluation

In addition to the information provided by the nominator, EPD will evaluate the following information to determine whether sufficient documentation exists to support the proposed designated use change.

- a. EPD will evaluate location information and patterns of current usage (i.e., year-round recreation, existing drinking water intake, etc.) to determine if the proposed designated use change is appropriate before proceeding with stakeholder outreach.
- b. EPD will evaluate the surrounding land area with satellite imagery to identify human health concerns that may necessitate further stakeholder engagement.
- c. EPD may also consult available water quality data and any 305(b)/303(d) impairments and/or TMDL(s). If nominating parties have additional water quality data, they may submit it at this time. This data will not affect the recommendation to proceed with the designated use change; however, EPD may use the information to assess whether the use is being met. In addition, this information may identify additional stakeholders for engagement.
- d. EPD may request that nominators submit additional information not listed above to address unforeseen concerns that may be identified in the evaluation process.

If EPD determines that additional information is necessary, EPD will provide feedback to the nominator. If EPD determines that sufficient information has been provided, EPD will proceed to the Stakeholder Engagement Stage.

3.3 Stakeholder Engagement Stage

Reassignment of designated uses can affect the community where the waterbody is located. Therefore, public participation and open communication with stakeholders is paramount to the success of any change in designated use.

Once EPD has completed the evaluation of the designated use change, EPD will initiate stakeholder outreach. EPD will identify dischargers, cities and counties, and other stakeholders that may be affected by a designated use change, as noted below:

- a. **Point Source Dischargers:** point source discharges on waters being considered for a change in designated use shall operate according to NPDES permitted limits as determined by EPD's existing permitting process, which includes an evaluation of the water quality criteria for the designated use of the waterbody receiving the discharge. Established and anticipated dischargers to these waters and to waters upstream of the nominated reach will be included in the stakeholder process because it is important for the dischargers to understand the implications of the proposed designated use change and talk through any questions, comments, or concerns.

Please note that while changes to drinking water and coastal fishing may require additional evaluation of permit limits, changes to recreation are not anticipated to result in changes to permit limits. The recreation designated use has year-round bacteria criteria, while the other designated uses have seasonal bacteria criteria. This difference does not translate to different permit limits. As described in the "Bacteria Equivalency Strategy for Using the Optimal Indicator Organisms for WQS and NPDES Permitting," NPDES permits will not include seasonal limits for bacteria.

- b. **Nonpoint Source Dischargers:** Nonpoint source discharges should implement site specific best management practices to protect the water quality with respect to the assigned designated use. Implementation of these practices depends on local governments and landowners, so their participation in the stakeholder process is valuable.
- c. **Local governments, municipalities, and counties:** Municipalities and counties play a primary role in local planning decisions. Changes in designated use may have implications for these local plans; and local governments should be fully aware of any proposed changes to ensure sufficient opportunity for feedback and discussion.

EPD will notify stakeholders of the proposed change, solicit feedback, and facilitate stakeholder meetings as necessary. First, EPD will inform stakeholders via email and/or postal mail of waterbodies under consideration for a designated use change. Notifications will be sent to municipalities and counties through whose jurisdiction the waterbody flows, as well as any permitted point and nonpoint sources that discharge into the segment or within 25 miles upstream

of the proposed segment. Stakeholders will be given an opportunity to respond, comment, or request further engagement. Nominators will receive copies of these notifications.

All input from stakeholders will be considered in the decision-making process. Receiving a letter of concern for or opposition to the designated use change does not disqualify that waterbody from further consideration. It does, however, indicate that further discussion or clarification may be necessary.

Next, EPD will hold stakeholder meetings to help facilitate further discussions between stakeholders and nominators when necessary. Nominators will receive copies of communications sent to stakeholders, comments received from stakeholders, and invitations to all stakeholder meetings pertaining to their nominated waterbodies. Nominators will have the opportunity to respond to stakeholder concerns or opposition.

Meetings with the public and stakeholders should include information from the nominating individual or organization as to why the designated use for the waterbody should change. Open discussion on all potential implications of the proposed designated use change to all stakeholders should be included during these meetings. Plans for implementing these changes should be supported, in writing, by affected governmental agencies, local governments, businesses, dischargers, and landowners. The nominating party should compile comments received and letters of support and/or opposition from stakeholders and the public and submit this information using the Final Nomination Package Checklist found at <https://epd.georgia.gov/document/document/finalnominationpackagechecklist01262022>. Any support or opposition letters sent directly to EPD will be shared with the nominator and should be included when submitting the final nomination package.

4.0 Rulemaking process

The Georgia Board of Natural Resources authorizes changes to the designated use of all bodies of water in the state through its rulemaking authority in O.C.G.A. § 12-5-23(a)(1). When EPD determines that the change in a waterbody's designated use is appropriate to recommend to the DNR Board, the designated use change is added to the amendments for the Triennial Review of Water Quality Standards.

EPD will brief the DNR Board of the proposed rule change, which includes presenting a true and exact copy of the proposed Rule and a summary of issues that arose as part of the stakeholder process. If the Board gives approval to proceed, EPD will prepare a 45-day public notice of the Rule change and will hold at least one public hearing.

EPD will collect comments from the hearing(s) and prepare a response to those comments. The comments and responses will be included in the final Rule change package for the Board. If the change in designated use is adopted, then the updated Rules are filed with the Secretary of State's office and posted to the Secretary of State's website.

Before the new rules can be used for CWA purposes, EPD must receive US EPA's approval. EPD must obtain the State Attorney General's certification that the standards were adopted in accordance with State law, and then the rule change package can be sent to US EPA for approval.

Appendix A – Specific Criteria for Georgia Designated Uses [Rule Section 391-3-6-.03 (6)]

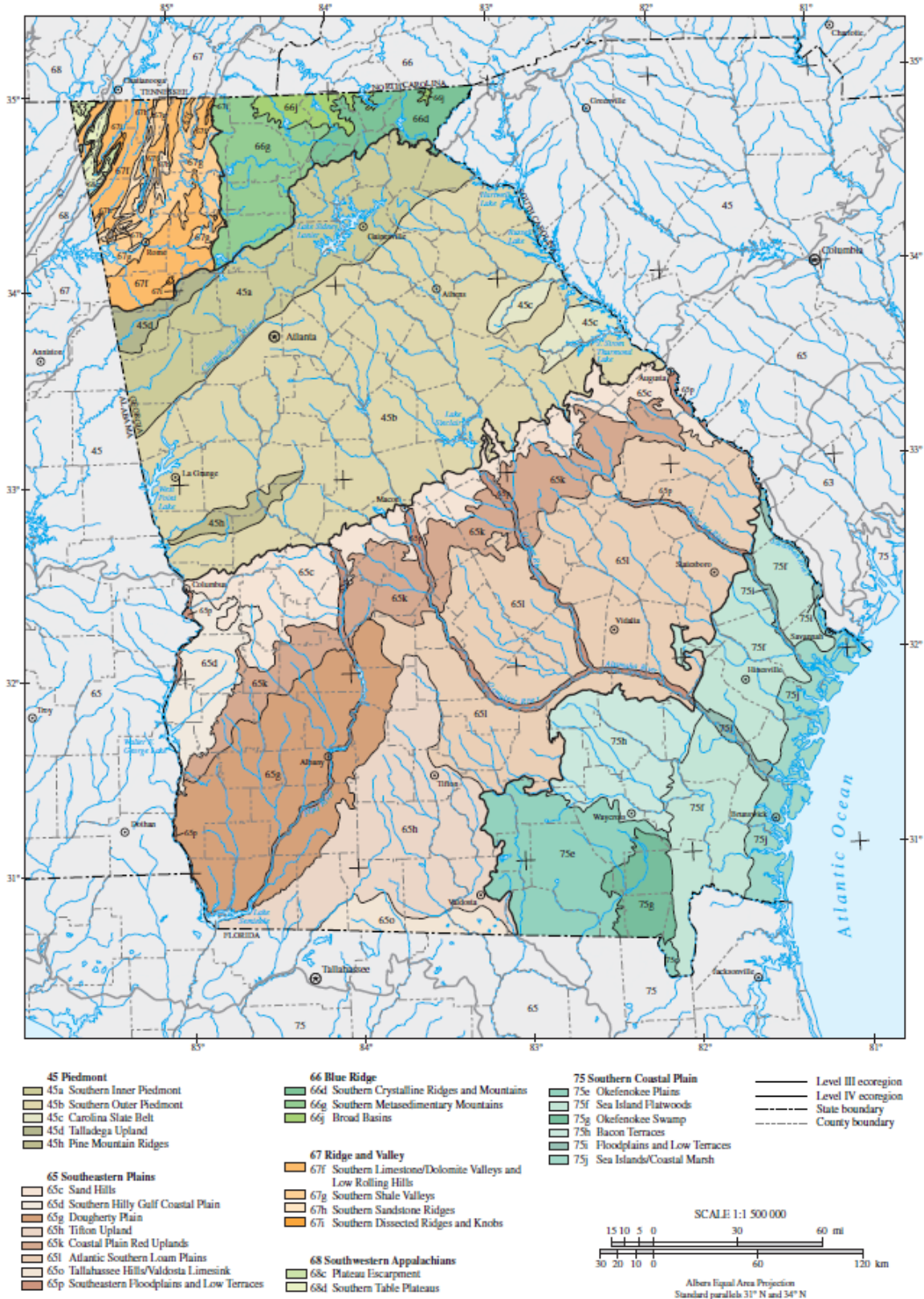
Criteria	Designated Use		
	Drinking Water	Recreation	Fishing
Bacteria	<p><u>Freshwater:</u> E. coli (proposed for adoption in January 2022): <u>Seasonal</u> Summer: 30-day Geometric mean 126#/100mL, STV 410#/100mL Winter: 30-day Geometric mean 265#/100mL, STV 861#/100mL</p> <p>Fecal coliform (to be removed upon DNR/EPA approval of E. coli in 2022): <u>Seasonal</u> Summer: 30-day Geometric mean 200#/100 mL Nonhuman: 30-day Geometric mean 300#/100mL lakes/reservoirs 30-day Geometric mean 500#/100mL free-flowing freshwater streams</p> <p>Winter: 30-day Geometric mean 1000#/100 mL and 4000 single sample max</p>	<p><u>Saltwater:</u> Enterococci: <u>Year-round</u> 30-day Geometric mean 35#/100mL, STV 130#/100 mL</p> <p><u>Freshwater:</u> E. coli: <u>Year-round</u> 30-day Geometric mean 126#/100 mL, STV 410 #/100 mL</p>	<p><u>Saltwater:</u> Enterococci (proposed for adoption in January 2022): <u>Seasonal</u> Summer: 30-day Geometric mean 35#/100mL, STV 130#/100 mL Winter: 30-day Geometric mean 74#/100mL, STV 273#/100mL</p> <p><u>Freshwater:</u> E. coli (proposed for adoption in January 2022): <u>Seasonal</u> Summer: 30-day Geometric mean 126#/100mL, STV 410#/100mL Winter: 30-day Geometric mean 265#/100mL, STV 861#/100mL</p> <p>Fecal coliform (to be removed upon DNR/EPA approval of E. coli in 2022): <u>Seasonal</u> Summer: 30-day Geometric mean 200#/100 mL Nonhuman: 30-day Geometric mean 300#/100mL lakes/reservoirs 30-day Geometric mean 500#/100mL free-flowing freshwater streams</p> <p>Winter: 30-day Geometric mean 1000#/100 mL and 4000 single sample max</p>

Criteria		Designated Use		
		Drinking Water	Recreation	Fishing
Dissolved oxygen	Warm water fishery	5.0 mg/L daily average, no less than 4.0 mg/L at all times	5.0 mg/L daily average, no less than 4.0 mg/L at all times	5.0 mg/L daily average, no less than 4.0 mg/L at all times Coastal Fishing: when natural DO is below the above criteria no change in the natural DO more than 0.1 mg/L
	Trout streams (primary and secondary)	6.0 mg/L daily average, no less than 5.0 mg/L at all times	6.0 mg/L daily average, no less than 5.0 mg/L at all times	6.0 mg/L daily average, no less than 5.0 mg/L at all times
pH		6.0-8.5	6.0-8.5 Lakes with site specific criteria: 6.0-9.0 or 6.0-9.5	6.0-8.5
Arsenic		10 µg/L	50 µg/L	50 µg/L
Maximum Contaminant Level (MCL)		No material or substance in such concentration that, after treatment by the public water treatment system, exceeds the maximum contaminant level established for that substance by the Environmental Protection Division pursuant to the Georgia Rules for Safe Drinking Water.		
Temperature	Freshwater Warm water fishery	Not to exceed 90°F, no temperature elevation more than 5°F	Not to exceed 90°F, no temperature elevation more than 5°F	Not to exceed 90°F, no temperature elevation more than 5°F
	Primary trout	Not to exceed 90°F, no temperature elevation at all	Not to exceed 90°F, no temperature elevation at all	Not to exceed 90°F, no temperature elevation at all
	Secondary Trout	Not to exceed 90°F, no temperature elevation more than 2°F	Not to exceed 90°F, no temperature elevation more than 2°F	Not to exceed 90°F, no temperature elevation more than 2°F
	Saltwater fishery	Not to exceed 90°F, no temperature elevation more than 1.5°F	Not to exceed 90°F, no temperature elevation more than 1.5°F	Not to exceed 90°F, no temperature elevation more than 1.5°F

Table notes:

1. Wild River and Scenic River designated uses are not included in this table because for both uses, there shall be no alteration of natural water quality from any source.
2. Coastal Fishing is included with Fishing in the table above. With the exception of site-specific criteria for dissolved oxygen, all other criteria and uses for the fishing use will apply for coastal fishing (see notes for Coastal Fishing in the Fishing column of the table)
3. STV = Statistical Threshold Value, not to be exceeded 10% of the time in a 30-day period

Appendix B – Level III and IV Ecoregions of Georgia



Map available for download from USEPA: <https://www.epa.gov/eco-research/ecoregion-download-files-state-region-4>