



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW
ATLANTA, GEORGIA 30303-3104

August 31, 2022

Ms. Anna Truszczynski
Chief
Watershed Protection Branch
Environmental Protection Division
Georgia Department of Natural Resources
2 Martin Luther King Jr. Drive
Suite 1152 East
Atlanta, Georgia 30334

Dear Ms. Truszczynski:

The U.S. Environmental Protection Agency has completed its review of Georgia's 2019-2022 Triennial Review revisions to its water quality standards (WQS). The revisions were approved for adoption by the Board of Natural Resources on January 28, 2022 and became effective for state purposes on February 27, 2022. In a letter dated March 16, 2022, Georgia's Attorney General certified that the revisions were duly adopted in accordance with state law. On April 1, 2022, the EPA received the original signed package for review from the Georgia Environmental Protection Division (GAEPD).

The state previously submitted the 2016-2018 Triennial Review WQS revisions by letter dated December 4, 2018, from Mr. James A. Capp, Watershed Protection Branch Chief, GAEPD to Ms. Jeananne M. Gettle, Director, Water Protection Division, EPA Region 4. The revisions were approved for adoption by the Board of Natural Resources on June 27, 2018 and became effective for state purposes on July 23, 2018. In a letter dated October 26, 2018, Georgia's Attorney General certified the revisions were duly adopted in accordance with state law. On December 6, 2018, the EPA received the original signed package for review from GAEPD. With the exception of the revisions to the bacteria and numeric nutrient criteria,¹ the EPA took action on the remainder of the 2016-2018 WQS revisions on January 20, 2021.

In addition to the Triennial Review WQS revisions, the state also submitted revisions to a narrative criteria WQS by letter dated August 8, 2018, from Mr. James A. Capp, Watershed Protection Branch Chief, GAEPD to Ms. Jeananne M. Gettle, Director, Water Protection Division, EPA Region 4. The revisions were approved for adoption by the Board of Natural Resources on March 27, 2018 and became effective for state purposes on April 23, 2018. In a letter dated July 2, 2018, Georgia's Attorney General certified the revisions were duly adopted in accordance with state law. On August 14, 2018, the EPA received the original signed package for review from GAEPD. The EPA did not take action on the 2018 narrative submission with its January 20, 2021 decision document.

¹ Rule 391-3-6-.03(6) and Rule 391-3-6-.03(12) for bacteria and Rule 391-3-6-.03(17) for numeric nutrient criteria

In your April 1, 2022 letter, you submitted several revisions to Georgia's previously approved regulations. A significant portion of the changes resulted from the state review of its regulations to satisfy the federal Clean Water Act (CWA) requirement to review existing regulations as part of a triennial review, in addition to addressing the outstanding items associated with the state's prior triennial review and the narrative submission. We very much appreciate the efforts by your staff, particularly Ms. Gillian Gilbert-Wason, to keep us informed along the way and the documentation prepared for the Agency's use during our review. Your staff's effort has greatly assisted us in completing our review.

In accordance with 40 C.F.R. section 131.21(c), new and revised state and tribal WQS are not effective for CWA purposes until approved by the EPA. Consistent with section 303(c) of the CWA and 40 C.F.R. Part 131, and as laid out in the enclosed decision document titled, *Decision Document of the United States Environmental Protection Agency Determination under Section 303(c) of the Clean Water Act Review of Georgia's Water Quality Regulations at Chapter 391-3-6-.03*, the EPA is approving the 2019-2022 revisions identified as new or revised WQS. The cumulative effect of today's approval of the current 2019-2022 triennial review also resolves the narrative submission and the remainder of the 2016-2018 triennial review.

In addition to the EPA's review pursuant to section 303 of the CWA, section 7(a)(2) of the Endangered Species Act (ESA) requires federal agencies, in consultation with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS), to ensure that their actions are not likely to jeopardize the continued existence of federally listed species or result in the destruction or adverse modification of designated critical habitat of such species. Regarding consultation activities for section 7 of the ESA, the EPA Region 4 concluded the revisions approved by today's action would have "no effect" on threatened and endangered species or their designated critical habitat, under the jurisdiction of the USFWS, and therefore no further consultation is needed. However, the EPA Region 4 concluded the revisions approved by today's action "may affect, but not likely to adversely affect" threatened and endangered species or their designated critical habitat, under the jurisdiction of the NMFS. In a letter dated June 1, 2022, NMFS concurred with the EPA's determination that the EPA's approval of the revisions and additions to the state of Georgia's Rules "may affect, but [are] not likely to adversely affect" federally listed species or result in adverse modifications to critical habitats in the state.

We would like to commend you and your staff for your continued effort to protect and enhance Georgia's waters during this rulemaking and thank you for working with the EPA as we reviewed and continued our review of the submittals. We appreciate Georgia's efforts throughout the WQS development process. If you have questions regarding this action by the EPA, please contact me at (404) 562-9345 or have a member of your staff contact Mr. Jamal Cooper at (404) 562 9314.

Sincerely,

Jeaneanne M. Gettle, Director
Water Division

Enclosures