



GEORGIA

DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL PROTECTION DIVISION

Richard E. Dunn, Director

EPD Director's Office

2 Martin Luther King, Jr. Drive

Suite 1456, East Tower

Atlanta, Georgia 30334

404-656-4713

January 13, 2021

MEMORANDUM

To: Richard E. Dunn, Director
Environmental Protection Division

From: James A. Capp, Chief
Watershed Protection Branch

Subject: Responses to Comments Received During the Public Comment Period Regarding Proposed Amendments to Rules for Water Quality Control, Chapter 391-3-6, pertaining to Triennial Review of Water Quality Standards

On October 27, 2021, EPD issued a public notice requesting comments on proposed amendments to the Rules for Water Quality Control, Chapter 391-3-6. A virtual public hearing was held at 11:00 a.m. on December 13, and the public comment period ended on December 17, 2021.

Public comments were received from six organizations during the comment period. The organizations included the Georgia Water Coalition, the South River Watershed Alliance, and the Southern Environmental Law Center (representing the Altamaha, Chattahoochee, Ogeechee and Flint Riverkeepers). In addition, the Satilla Riverkeeper expressed support for a designated use change via the chat feature during the virtual public hearing.

A summary of the comments received and EPD's responses to the comments is attached. No changes to the proposed rule amendments are recommended as a result of comments received.

**Responses to Comments Received During the Public Comment Period
October 27 – December 17, 2021
Regarding Proposed Amendments to Rules for Water Quality Control, Chapter 391-3-6,
Pertaining to Triennial Review of Water Quality Standards**

1) Comment: The Georgia Water Coalition stated that many recreational activities considered secondary contact involve as much human contact with water as those considered primary contact.

Response: EPD used the best available information to determine the amount of water ingested during secondary contact activities as compared to primary contact activities to establish the bacteria criteria necessary to protect human health from gastrointestinal illness resulting from incidental immersion and water ingestion due to secondary contact recreational activities during the winter.

2) Comment: The Georgia Water Coalition expressed support for the recreation designations of 13 waterbodies and the use of *E. coli* and enterococci as bacterial indicators for fishing and drinking water designated uses in the proposed amendments.

Response: Comments noted.

3) Comment: The Georgia Water Coalition requested further discussion of designated use change guidance before the next triennial review.

Response: EPD is in the processing of updating the guidance to recommend changes in a waterbody's designated use and the updated guidance will be available at the start of the next Triennial Review period.

4) Comment: The Georgia Water Coalition stated that the presence of a wastewater discharge(s) or stakeholder opposition should not exempt a waterbody from a recreation designated use.

Response: A waterbody is considered for a change in designated use if there is evidence that the waterbody is used for that purpose, investments have been made to the waterbody to support the proposed designated use, and there is local community support. The presence of a wastewater discharge does not exempt a waterbody for consideration of a designated use as recreation.

5) Comment: The Georgia Water Coalition stated that many more waterbody segments should be redesignated to recreation to signal that water bodies are open for recreational use year-round and to encourage investment by dischargers.

Response: Comment noted. During the next triennial review, interested parties are encouraged to nominate waterbodies for a change in designated use if there is evidence that the waterbody is used for that purpose, investments have been made to the waterbody to support the proposed designated use, and there is local community support.

5) Comment: The Georgia Water Coalition and the Riverkeepers support the removal of the term "unreasonably" from the narrative criteria in Rule 391-3-6-.05(5)(c). They asked whether

**Responses to Comments Received During the Public Comment Period
October 27 – December 17, 2021
Regarding Proposed Amendments to Rules for Water Quality Control, Chapter 391-3-6,
Pertaining to Triennial Review of Water Quality Standards**

EPD intended to apply the narrative standard with an “unreasonableness” standard despite having withdrawn the word “unreasonable.”

Response: The narrative standard will be implemented in accordance with the Georgia Water Quality Control Act, O.C.G.A. § 12-5-21 *et seq.* and applicable case law interpreting the statute and rules.

6) Comment: The South River Watershed Alliance stated that EPD should increase testing frequency to weekly from May through October along the South River.

Response: Each year, EPD performs weekly bacteria sampling once a quarter, twice during the primary recreational season and twice during the secondary recreational season. Resource constraints prevent more frequent sampling. EPD encourages groups who want to submit data to be used for 305(b) assessment purposes to submit a sampling quality assurance plan.

7) Comment: The South River Watershed Alliance suggested that water quality test results be made available to the public in a more timely manner.

Response: EPD’s water quality data is input into GOMAS, a publicly available database, as laboratory data become available and these data are uploaded to WQX, the EPA publicly available database, on a quarterly basis.

8) Comment: The South River Watershed Alliance requested that a 40-mile stretch of the South River, from Panola Shoals to Jackson Lake, should be changed to recreation designation to reflect its current use.

Response: EPD has proposed a designated use change to recreation of a 13-mile section of the South River, from Honey Creek in Henry County to Lake Jackson at Georgia Highway 36, as part of this Triennial Review. The remaining 27-mile section of South River will require further stakeholder engagement, which EPD will initiate during the next Triennial Review.

9) Comment: The South River Watershed Alliance suggested that the South River, from Panola Shoals to Albert Shoals, should be changed to recreation designation when bacteria levels support recreation and to “high-risk recreation” when Dekalb County sewage spills cause bacteria levels to exceed the recreation criteria.

Response: Comment noted. The bacteria criteria are applicable at all times, regardless of the weather conditions.