

**SYNOPSIS**  
**Proposed Amendments to the Rules for Water Quality Control,**  
**Chapter 391-3-6**

The proposed amendments to the Rules for Water Quality Control would amend **Rule 391-3-6-.03**, “Water Use Classifications and Water Quality Standards”, relating to EPD’s Triennial Review of Water Quality Standards.

**Purpose:** The Federal Clean Water Act (CWA) requires States to review their water quality standards at least once every three years and revise them if appropriate. This process is referred to as the Triennial Review of Water Quality Standards. EPD is proposing amendments to the Rules for Water Quality Control based on EPA recommended criteria or guidance, clarifications EPD believes are needed, and comments received from the public.

**Main Features:** Under the Triennial Review of Water Quality Standards process, EPD proposes amendments to the Rules for Water Quality Control to accomplish the following:

- Add a definition and move the location of an existing definition;
- Add table formatting and modify sub-paragraph numbering for various criteria;
- Adopt EPA’s 2016 recommended aquatic life criteria for selenium and allow stakeholders to recommend waterbodies for sturgeon-absent site-specific selenium criteria;
- Adopt EPA’s 2005 recommended aquatic life criteria for diazinon and nonylphenol;
- Adopt human health criteria derived using a probabilistic methodology;
- Add language to the dissolved oxygen criteria for drinking water, recreation and fishing designated use waters to address natural conditions;
- Add language to allow the development of site-specific bacteria criteria;
- Revise and correct specific designated uses for various waterbodies;
- Remove sub-paragraph numbering in two sections of the rule; and
- Develop lake specific criteria for Lakes Burton, Rabun, and Tugalo.

**RULES FOR WATER QUALITY CONTROL, CHAPTER 391-3-6**

**391-3-6-.03**, “Water Use Classifications and Water Quality Standards” is being amended: to add a definition and move the location of an existing definition in paragraph (3); to add table formatting with descriptive headers for various criteria and to modify the sub-paragraph numbering in paragraph (5)(e); to clarify descriptions of criteria in paragraph (5)(e)(ii); to adopt

EPA's recommended aquatic life criteria for selenium and allow for stakeholders to recommend waterbodies for sturgeon-absent site-specific selenium criteria in paragraph (5)(e)(ii)7.; to adopt EPA's recommended aquatic life criteria for diazinon and nonylphenol, and to remove the footnotes below the listed criteria, in paragraph (5)(e)(iii); to adopt human health criteria derived using a probabilistic methodology, and to remove the footnotes below the listed criteria, in paragraph (5)(e)(iv); to add language addressing natural conditions to the dissolved oxygen criteria in paragraphs (6)(a)(ii), (6)(b)(ii), and (6)(c)(ii); fixing misspelling in paragraph (9); to add language to allow for the development of site-specific bacteria criteria in paragraph (12); to revise and correct specific designated uses for various waterbodies in paragraph (14); to remove inconsistent sub-paragraph numbering in paragraphs (15)(b) and (16); and to adopt lake specific criteria for Lakes Burton, Rabun, and Tugalo in paragraph (17).

The following provides a further description of the proposed rule amendments:

- A definition for "CAS RN" was added and the location of the "Critical conditions" definition was moved in paragraph (3)
- Table borders, headers, CAS numbers, and a footnote were added to the criteria given in subparagraph (5)(e)(i)
- Table borders, headers, and CAS numbers were added to the criteria given in subparagraph (5)(e)(ii)
- The footnotes below the criteria in (5)(e)(ii) were reformatted into subparagraphs, and the descriptions of the criteria under those subparagraphs were clarified;
- The subparagraph numbering of the metal criteria was updated in (5)(e)(ii)6.
- EPA's 2016 recommended aquatic life criteria for selenium was adopted in subparagraph (5)(e)(ii)7. This criteria replaces the former criteria under subparagraph (5)(e)(ii) and allows for stakeholders to recommended waterbodies for sturgeon-absent site-specific selenium criteria
- Table borders and headers were added, one footnote was removed, and another footnote was moved into the table, for the criteria given in subparagraph (5)(e)(iii)
- EPA's 2005 recommended aquatic life diazinon and nonylphenol criteria were adopted in subparagraph (5)(e)(iii);
- Table borders and headers were added and footnotes were removed for the criteria given in subparagraph (5)(e)(iv)
- Human health criteria were adopted in subparagraph (5)(e)(iv), which were derived using a probabilistic methodology
  - Added criteria for Water + Organism to protect waters with drinking water designated uses
  - Updated criteria for Organism only to protect all other designated uses
  - Includes the addition of the following criteria and associated renumbering of subsequent subparagraphs:
    - subparagraph (5)(e)(iv)32. criteria for Chlorophenoxy Herbicide (2,4-D)
    - subparagraph (5)(e)(iv)33. criteria for Chlorophenoxy Herbicide (2,4,5-TP) [Silvex]
    - subparagraph (5)(e)(iv)35. criteria for Cyanide

- subparagraph (5)(e)(iv)75. criteria for Methoxychlor
- subparagraph (5)(e)(iv)96. criteria for 1,1,1-Trichloroethane
- Missing CAS numbers were added to the criteria given in subparagraph (5)(e)(iv)
- Units were deleted from the Organism only column in subparagraph (5)(e)(iv)
- Added language to allow up to a 10% deficit in naturally low dissolved oxygen waters if it is demonstrated that resident aquatic species shall not be adversely affected.
  - Added language to subparagraph 6(a)(ii) for drinking water designated use
  - Added language to subparagraph 6(b)(ii) for recreation designated use
  - Added language to subparagraph 6(c)(ii) for fishing designated use
- Fixing misspelling in paragraph (9)
- Added language to paragraph (12) to allow for site-specific bacteria criteria
- Revised and corrected specific designated uses in paragraph (14), including:
  - Designated 5 specific river segments as “Drinking Water” and modified the boundaries of 2 waters already designated as “Drinking Water”
  - Designated 4 specific river segments as “Recreation”; modified the boundaries of 6 waters already designated as “Recreation,” and deleted 3 river segments designated as “Recreation”
  - Borders and titles were added to the designated use tables given in subparagraph (14)
- Removed inconsistent subparagraph numbering in paragraphs (15)(b) and (16)
- Adopt lake specific criteria for Lakes Burton, Rabun and Tugalo in paragraph (17)
  - Includes addition of **17(i)** to incorporate criteria for Lake Burton
    - Chlorophyll *a* criteria are being added for the months of April through October at two locations on the lake; and pH, bacteria, dissolved oxygen, and temperature criteria are being added based on the lake’s designated use
  - Includes addition of **17(j)** to incorporate criteria for Lake Rabun
    - Chlorophyll *a* criteria are being added for the months of April through October at two locations on the lake; and pH, bacteria, dissolved oxygen, and temperature criteria are being added based on the lake’s designated use
  - Includes addition of **17(i)** to incorporate criteria for Lake Tugalo
    - Chlorophyll *a* criteria are being added for the months of April through October at two locations on the lake; and pH, bacteria, dissolved oxygen, and temperature criteria are being added based on the lake’s designated use

**STATEMENT OF RATIONALE**  
**Proposed Amendments to the Rules for Water Quality Control,**  
**Chapter 391-3-6**

The Federal Clean Water Act (33 U.S.C. § 1313) and 40 C.F.R. § 131.20 requires States to review water quality standards, at least once every three years, and to revise them if appropriate. This process is referred to as the Triennial Review of Water Quality Standards. The Rules for Water Quality Control, Chapter 391-3-6, are proposed for amendment to address EPD’s Triennial Review of Water Quality Standards process. The proposed amendments are designed to address certain EPA national recommended criteria and guidance on water quality standards,

to incorporate updates that EPD deems necessary, and to reflect input from stakeholders and the public.

The Triennial Review of Water Quality Standards process provides an opportunity for EPD to consider national recommended criteria and guidance from EPA, the latest information or predictive modeling tools that EPD may have on water quality conditions, information submitted by the public, or other types of information that might inform water quality standards. During this Triennial Review period, EPD met with stakeholders to discuss the proposed rules changes and members of the public nominated many waterbodies throughout the state for a designated use change to recreation. EPD worked with these stakeholders and nominating parties to gather relevant information to evaluate the appropriateness of proposed criteria and designated use change of each waterbody. EPD also received comments from EPA. The proposed rule amendments have been informed by those types of information and incorporate amendments that clarify existing water quality criteria, adopt EPA's recommended aquatic life criteria for diazinon, nonylphenol, and selenium, revised and update the human health criteria, add language to the dissolved oxygen criteria addressing natural conditions, add language to allow for site-specific bacteria criteria, update designated uses for specific waterbodies, and add lake specific criteria for several lakes.