Summary of Changes to the Format of the 305(b)/303(d) List of Waters

Substantial changes have been made to the format of Georgia's 2008 305(b)/303(d) list. The U.S. EPA has required States to move to a five-part categorization of their waters. The Georgia Environmental Protection Division (GA EPD) committed to adopting the five-part categorization method with the 2008 305(b)/303(d) report. The following paragraphs provide a brief overview of the different categories and explains how these categories correspond to how waters were placed on the 305(b)/303(d) list in the past. Other changes to the format of the 2008 list are also described in this document.

Assessed waters will be placed into the five categories as described below:

Category 1 – Data indicate that waters are meeting their designated use(s). The placement of a waterbody in Category 1 is comparable to a waterbody having been on the "supporting" list in previous 305(b)/303(d) lists.

Category 2 – A water has more than one designated use and data indicate that at least one designated use is being met, but there is insufficient evidence to determine that all uses are being met. GA EPD did not have a designation similar to Category 2 on previous 305(b)/303(d) lists. GA EPD predicts that waters will rarely be placed in Category 2. There are a couple of reasons for this. First, in order to be placed in Category 2, a waterbody must have more than one designated use. Very few waters in Georgia currently have more than one designated use. In addition, in order to be placed in Category 2, there must be sufficient data to show that at least one use is being met and there must be insufficient data to assess whether another use is being met. Since Georgia's criteria for different designated uses are very similar, it would be unusual for the data to meet this requirement.

Category 3 – There is insufficient data or other information to make a determination as to whether or not the designated use(s) is being met. In the past, if GA EPD had insufficient data to make an assessment of use attainment, the waterbody in question was not included in the 305(b)/303(d) list. The inclusion of Category 3 will allow GA EPD to include these waters on the list which will help the State to keep track of them until such time that there is enough data to make an assessment. GA EPD's goal is to minimize the use of this Category as much as possible.

Some examples of situations that would result in a water being placed in Category 3 follow. 1) Only a partial year of data were available at the time the list was prepared and the available data indicate that the water is supporting its use. GA EPD would not place the water into Category 1 until the full year of data is available for review so the water would be placed in Category 3 until that data becomes available. 2) The only data available for a waterbody are fish tissue data or whole effluent toxicity (WET) data that indicate the water is supporting its

use. GA EPD does not place waters into Category 1 based solely on fish tissue or WET data. The water would remain in Category 3 until such time that other water quality data were gathered. 3) The only data available for assessment are benthic macroinvertebrate data gathered by GA EPD where the narrative ranking score was "fair". GA EPD is currently reevaluating its scoring of macroinvertebrate sites and the State is delaying its decision to assess the waters ranking "fair" as supporting or not supporting their uses until this reevaluation is completed. It is expected that this process will be completed by 2010. 4) If a water body is found to have greater than a 10% exceedence rate of the standard dissolved oxygen (DO) criteria and the water body is located in an area of the State where it is anticipated that the low dissolved oxygen condition is naturally occurring, then EPD will place the water in Category 3 until work is completed which establishes the "natural" dissolved oxygen concentration for the water body. The dissolved oxygen data will then be compared with the "natural" dissolved oxygen concentration and an assessment will be made as to whether the water body is meeting its use.

Category 4a – Data indicate that at least one designated use is not being met, but TMDL(s) have been completed for the parameter(s) that are causing a water not to meet its use(s). In previous 305(b)/303(d) lists, a waterbody that was determined not to be supporting its use, but a TMDL had been completed for the parameter of concern would have been indicated by the presence of the number "3" in the 303(d) column of the report.

Category 4b - Data indicate that at least one designated use is not being met, but there are actions in place (other than a TMDL) that are predicted to lead to compliance with water quality standards. In previous 305(b)/303(d) lists, waters meeting this condition would have been indicated by the presence of the number "2" in the 303(d) column of the report. An example of a situation that may warrant placing a waterbody in Category 4b is the following: A stream is found to be "not supporting" its use due to excessive amounts of lead in the water column. It is known that the source of lead is a particular industry and that industry has been given a lead limit in their NPDES permit and is under a compliance schedule to meet that limit within a specific period of time.

Category 4c - Data indicate that at least one designated use is not being met, but the impairment is not caused by a pollutant. The Clean Water Act (502(6)) defines a pollutant as dredged spoil, solid waste, incinerator residue, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, salt, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. An example of a situation that may call for a water to be placed in Category 4c is the case of a highly modified stream (such as a stream that has been channelized) and therefore has insufficient habitat to support an acceptable biological community.

Category 5 - Data indicate that at least one designated use is not being met and TMDL(s) need to be completed for one or more pollutants. In previous 305(b)/303(d) lists, a waterbody that was determined not to be supporting its use and for which a TMDL still needed to be completed was indicated by the presence of an "x" in the 303(d) column of the report.

It is hoped that the use of "Category 5" will also help to clear up confusion as to what is meant when someone says a water is on the 303(d) list. Many people use the terms "303(d) listed waters" interchangeably with the terms "impaired waters" and "waters not supporting their uses". According to the Clean Water Act, the 303(d) list is a list of waters not meeting their uses and for which TMDL(s) have not been completed for the parameter(s) of concern. Once the TMDL is completed, the water may still not be supporting its use; however, it is no longer on the 303(d) list. In other words, the 303(d) list is a subset of waters assessed as "not supporting" their uses. In the new 5-Category system waters that are assessed as "not supporting" their uses will either be placed in Category 4a, 4b, 4c or 5. The waters in Category 5 make up the 303(d) list.

The table below provides a summary of how waters were placed on previous lists and how they will be placed on the 2008 list. In addition, an example of how the 2008 may look compared to previous lists is attached to the end of this document.

Description of Waterbody	Lists Prior to 2008	2008 List
Not supporting use – TMDL(s) have **not** been completed	"x" in 303(d) box	Category 5
Not supporting use – TMDL(s) have been completed	"3" in 303(d) box	Category 4a
Not supporting use – Actions in place other than TMDL to get water back in compliance	"2" in 303(d) box	Category 4b
Not supporting use – source of non-attainment is not a pollutant	Not used in prior lists	Category 4c
Insufficient data to make a use determination	Water not included in prior lists	Category 3
Data indicate at least one use is being met, but not enough data to assess other use attainment	Not used in previous lists	Category 2
Supporting designated uses	On the "Supporting" List	Category 1

Another important factor to consider is that it is possible for a water to be in Category 4 and 5 at the same time if it is impaired by more than one pollutant. For instance, if a water is impaired due to fecal coliform bacteria and dissolved oxygen and a TMDL has been completed for dissolved oxygen, then the water

will be placed in Category 4a for dissolved oxygen and Category 5 for fecal coliform bacteria.

Other Changes to the 2008 List

Discontinuation of the term "Partially Supporting"

In the past, GA EPD has assessed waters as either "supporting", "partially supporting", or "not supporting" their designated uses. The term "partially supporting" has caused confusion with the public and within GA EPD in the past. In regards to regulations under sections 305(b)/303(d) of the Clean Water Act, there is no regulatory difference between waters classified as "partially supporting" and "not supporting" their uses. Total Maximum Daily Loads are required to be done for both. GA EPD used the terms "partially supporting" and "not supporting" as a way to indicate how frequent/serious violations of water quality standards were. A water was generally classified as "partially supporting" when the frequency of violations was between 11% and 25% of the samples; while a water was assessed as "not supporting" when the violation rate exceeded 25% of the samples. Due to the confusion the "partially supporting" designation has caused in the past and due to the fact that GA EPD is moving to the new 5-category approach, we will not use the term "partially supporting" in the future.

Prioritization of Waters

Section 303(d)(1) of the Clean Water Act requires States to "establish a priority ranking" for the segments it identifies on the 303(d) list (i.e. those waters in Category 5). This ranking is to take into account the severity of the pollution and the uses to be made of such segments. The State is to establish TMDLs in accordance with the priority ranking. States are given considerable flexibility in establishing its ranking system.

In the past, Georgia has used a 3-tiered number system for indicating priority and all waters assessed as "partially supporting" or "not supporting" uses were assigned a priority as follows. Stream segments given first priority were indicated by the placement of a "1" in the column titled "priority" on the list. First priority was assigned to waters that were not supporting uses and where actions, other than a TMDL, were in place to get the water back into compliance. First priority was also assigned to waters where toxicity (Tox) or commercial fishing ban (CFB) was the criterion violated. Second priority was allocated to segments which showed DO, metals or other organic chemicals in excess of water quality standards. These waters had a "2" in the column titled "priority". Third priority was assigned to waters where air deposition, urban runoff or general nonpoint sources caused fish consumption guideline listings, poor fish communities, fecal coliform bacteria standards violations, pH and/or temperature violations. These waters contained a "3" in the "priority" column.

GA EPD is changing the priority ranking system in 2008. First, priority rankings will only be established for waters on the 303(d) list (i.e. Category 5) as required by Section 303(d) of the Clean Water Act. The new ranking system will better reflect how TMDLs are developed. Georgia has implemented a basin rotation approach when it comes to monitoring waters, establishing TMDLs and permitting. GA EPD has chosen to implement the priority ranking by indicating the year by which the TMDL for each segment on the 303(d) list will be drafted. TMDLs are typically finalized sometime during the year after they are proposed. The establishment date generally follows the basin rotation schedule. There are some cases where GA EPD may choose to draft a TMDL outside of the basin rotation schedule. Factors influencing this decision could include the severity of the pollution and whether development of the TMDL may require additional data collection and complex analysis.

Georgia is anticipating that a State-wide Water Plan will be adopted into law in the near future. Implementation of this Water Plan may require EPD to shift resources for a time; therefore, the development of TMDLs could temporarily slow down. The dates provided in the "priority" column reflect this possibility. EPD will strive to complete TMDLs before the dates in the "priority" column as resources allow. All dates provided are within the 13-year timeframe that is allowed for TMDL development as provided in the US EPA 1997 Interpretative Guidance for the TMDL Program. This guidance states that States should develop schedules for establishing TMDLs expeditiously, generally within 8-13 years of being listed.

Actions to Alleviate Column

In past 305(b)/303(d) lists, GA EPD has included a column called "Actions to Alleviate" for waters assessed as "partially supporting" or "not supporting" their uses. This column provided information about what actions were in place to bring the water back into compliance with standards. This information is not required to be included on the list of waters and GA EPD is going to discontinue use of this column in 2008. There are a number of reasons for this decision. For example, the information in this column was more important during the time before GA EPD began writing TMDLs for impaired waters. Now that GA EPD is developing TMDLs for impaired segments, it would be better to examine the TMDL and the TMDL implementation plan to determine what actions are to be taken to restore the water. The information in these documents is far more detailed than the information that was included in the "actions to alleviate" column. In addition, removal of the information from this column will also reduce the workload in preparing the list.

Addition of Notes Column

GA EPD is adding a "Notes" column to the 305(b)/303(d) list of waters. This column will include information such as what TMDLs have been completed for a

waterbody, why a water has been placed in Category 3, or what actions are being taken which enables a water to be placed in Category 4b.

Coastal Waters

In the past, GA EPD has generally listed waters on the coast under the term "estuaries". The term "estuary" was used to apply both to large open bodies of water such as sounds and to smaller tidally influence creeks and streams. The reach extent of estuaries were provided in square miles. In 2008, GA EPD determined that it would be better to split the waters on the coast into three separate categories rather than the single category "esturary". Large bodies of water, such as the Ossabaw Sound, have been categorized as "Sounds/Harbors" and the reach extent will be expressed in square miles. Smaller coastal creeks and rivers will be placed in the category "Coastal Streams" and their reach extents will be expressed in miles. In addition, GA EPD is adding beaches to its 305(b)/303(d) list for the first time in 2008. These are waters monitored under the BEACH Act for Enterococci bacteria. These beaches have been categorized as "Coastal Beaches" and their reach extents are expressed in miles.

EPA List of Added Waters

EPD has included a separate table of "EPA Added Waters" in its 305(b) reports since 1998. These are waters that were monitored and assessed by EPA. In addition, EPA was responsible for developing the TMDLs for these waters. In 2008, EPD decided to integrate the "EPA Added Waters" list into our 305(b) list of waters.

Example 2006 305(b)/303(d) List Flint River Basin

Reach Name/ Data Source	Reach Location/ County	Evaluation/ Use	Criterion Violated	Potential Causes	Actions to Alleviate	303(d)	Priority	Extent
Example Creek A 1,10	Spring Creek to Yellow River Wayne County	Partially Supporting Fishing	DO	NP	Impairment will be addressed by implementing a locally developed plan that includes the remedial actions necessary for problem resolution.	X	2	3 miles
Example Creek B 1,10	Little Creek to Buffalo Creek Tatnall County	Not Supporting Fishing	FC	M	The City of Joy is under a Consent Order to upgrade its treatment plant to meet its fecal coliform limit	2	1	11 miles
Example Creek C 1,10	Mason Creek to Blueberry Creek Johnson County	Partially Supporting Fishing	DO, FC	M, NP	Impairment will be addressed by implementing a locally developed plan that includes the remedial actions necessary for problem resolution.	3,3	2	3 miles
Example Creek D 1	Tired Creek to Nancy Creek Madison County	Supporting Fishing						5 miles

Example 2008 305(b)/303(d) List

Reach Name/ Data Source	Reach Location/ County	River Basin/ Use	Criterion Violated	Potential Causes	Extent		Category	Priority	Notes
Example Creek A 1,10	Spring Creek to Yellow River Wayne County	Flint Fishing	DO	NP	3	miles	5	2010	
Example Creek B 1,10	Little Creek to Buffalo Creek Tatnall County	Flint Fishing	FC	M	11	miles	4b		The City of Joy is under a Consent Order to upgrade its treatment plant to meet its fecal coliform limit.
Example Creek C 1,10	Mason Creek to Blueberry Creek Johnson County	Flint Fishing	DO, FC	M, NP	3	miles	4a		TMDLs completed DO, FC
Example Creek D 1	Tired Creek to Nancy Creek Madison County	Flint Fishing			5	miles	1		