

## **PROCEDURES FOR SELECTION OF OUTSTANDING NATIONAL RESOURCE WATERS (ONRW)**

### **A. Qualification Criteria and Nomination Process for Outstanding National Resource Waters (ONRW)**

#### **I. Definition**

Outstanding National Resource Water (ONRW) is a designation granted to waters that are to be afforded the highest level of protection under Tier 3 of the State's antidegradation policy. This designation will be considered for waters of exceptional ecological, recreational, aesthetic, or historic significance, including, but not limited to, those in National or State parks and wildlife refuges. For waters designated as ONRW, existing water quality shall be maintained and protected, and where feasible improved. Water quantity can be an important factor in preserving the special attributes of waters being proposed for ONRW status. Water quantity necessary to protect the ONRW will be maintained and protected as allowable under State law.

#### **II. Water Quality Requirements**

Outstanding water quality is important, but not a prerequisite for ONRW designation. The requirement is for the segment to have an outstanding value as an aquatic resource, which may derive from the presence of exceptional ecological, recreational, aesthetic, or historic attributes.

#### **III. Qualification Criteria**

Factors to be considered in determining whether to nominate a waterbody for ONRW designation may include the following: (a) existing special designations (e.g., wild and scenic river); (b) existing water quality (e.g., pristine or naturally-occurring); (c) ecological value (e.g., outstanding biological diversity, the presence of threatened or endangered species during one or more life stages, etc.); (d) exceptional recreational or aesthetic value (e.g., presence of an outstanding fishery or recreational value); and (e) historic significance. Due to

the restrictions that will have to be placed on point and nonpoint sources of pollution in order to protect the ONRW (see Section B), the designation of a water as an ONRW is most likely to be maintained and successful when the water in question is located in a watershed where there is currently little or no development. Waters located downstream from the headwaters of a watershed or that are located in areas that have been developed or are downstream of developed areas may be still be nominated for ONRW status; however, it may be more appropriate to protect these waters under other provisions of the State's water quality rules.

Waterbodies will be considered for designation as ONRW if:

- 1) the waterbody and the entire drainage area or watershed of the proposed ONRW is entirely owned and managed by a governmental agency (e.g., on federal or state lands, such as national or state parks, national or state wilderness areas, national or state wildlife refuges or national or state seashores or estuarine sanctuaries). The petitioner will need to communicate with the affected land management agency as part of the process to petition DNR for ONRW status; or
- 2) the waterbody and/or part of the drainage area or watershed of the proposed ONRW is located on private land, and not entirely on land owned and managed by a governmental agency. In this case, the petitioner will need to communicate with the affected local government and landowners as part of the process to petition DNR for ONRW status.

#### **IV. Nomination Process**

Petitioners should contact the Watershed Planning and Monitoring Program of EPD's Watershed Protection Branch to schedule a meeting as soon as they determine that they are interested in pursuing an ONRW nomination for a waterbody. EPD will provide additional guidance for the nomination process, as well as support to complete the application package during this meeting. For example, based on information provided in the meeting, EPD will provide

information on permitted drinking water withdrawals in the proposed ONRW as well as other relevant information that can be used in the watershed inventory described below.

The ONRW nomination package should include, but not be limited to, the following:

- Name of the waterbody
- Reach length
- Delineated watershed on a topographic map showing the upstream and downstream extent of the ONRW
- Intent and reasons for nominating the waterbody as an ONRW (i.e. outstanding value as an aquatic resource)
- Landuse/landcover of the watershed
- A watershed inventory including a list of the existing permitted withdrawals and discharges within and upstream of the ONRW along with any future uses described in the Statewide Water Plan. The inventory should also include whether there are any dams located within the ONRW or upstream of it. There are federal databases (e.g., ECHO by EPA <http://www.epa-echo.gov/echo/>) that can readily provide information on dischargers in watersheds.
- Inventory of stakeholders, focusing on governmental agencies and landowners that own and manage the land surrounding the waterbody being nominated as an ONRW, as well as landowners in the watershed upstream of the proposed ONRW
- Documentation of local control measures and enforcement mechanisms in place to protect the ONRW
- A commitment for the individual or group (making the nomination) to be willing to represent the waterbody and make a presentation at public meetings and hearings
- A summary of the costs benefits analysis to local governments, citizens, and business, which would be affected by the designation of ONRW, if applicable
- Documentation of petitioner's public involvement activities to date, including letters documenting level of support, issues or concerns, meetings held, communications, etc. Written letters of support or non-support need to be included from the city council of each city in and

upstream of the proposed ONRW, and from each county government in and upstream of the proposed ONRW. If the ONRW is located on State or Federally owned lands, a letter of support from the land management agency needs to be included in the nomination package before it can proceed.

A complete nomination package should be mailed to the following address: Watershed Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354, Attn. Watershed Planning & Monitoring Program. The envelope should clearly indicate it contains an ONRW nomination. Upon receipt of a completed nomination package, EPD's goal is to provide a briefing to the DNR Board within six months. If the six month goal is not achievable, then EPD will notify the petitioner of a revised timeline and provide a briefing as soon as possible. At a minimum, EPD will include the ONRW recommendation in the most forthcoming triennial review process (provided the nomination was received more than 6 months before the Board is briefed on triennial review updates). A description of the steps involved in designation of an ONRW is provided in Section C.

## **B. Protection of ONRWs**

### **I. Point Source and Nonpoint Source Discharges to ONRWs**

#### **a. Point Sources**

Any proposed new or expansion of an existing NPDES discharge (including permitted stormwater) to any stream segment that has been designated as an ONRW is prohibited.

#### **b. Nonpoint Sources**

ONRW water quality and quantity from nonpoint sources shall be maintained and protected through implementation of site-specific best management practices. Implementation of protections from nonpoint sources will often depend on local governments/landowners, which is why it is important to gain local support of the ONRW designation.

## **II. Point and Nonpoint Source Discharges Upstream of ONRWs**

### **a. Point Sources**

New or expanded NPDES discharges of pollutants (including permitted stormwater) upstream of an ONRW segment is prohibited except where such a source would have no adverse effect on the existing water quality of the downstream ONRW segment. Effects on ONRW water quality resulting from upstream sources will be determined based on appropriate techniques and best professional judgment. Factors that may be considered in judging whether ONRW quality would be affected include: (a) changes in ambient water quality concentrations predicted at the appropriate critical condition(s), (b) changes in pollutant loadings (i.e. the new or expanded loadings compared to total existing loadings to the segment), (c) reduction in available assimilative capacity, and, (d) potential for cumulative effects. The applicant for a new or expanded discharge may be required to provide information sufficient to evaluate the potential effects of the proposed activity on the downstream ONRW. The information that will be required in a given situation will be identified on a case-by-case basis by the DNR.

### **b. Nonpoint Sources**

ONRW water quality and quantity from nonpoint sources shall be maintained and protected through implementation of site-specific best management practices. Implementation of protections from nonpoint sources will often depend on local governments/landowners, which is why it is important to gain local support of the ONRW designation.

## **III. Temporary Effects**

### **a. Guidelines**

Activities that would result in a temporary effect on ONRW water quality may be authorized by EPD. The decision regarding whether the activity will be

allowed will be handled on a case-by-case basis through the normal regulatory process (permitting, stream buffer variances, etc). The term “temporary” generally refers to a time period of weeks/months and not years. The following are examples of activities that could be considered to have temporary effects on water quality and may be allowed. These may include, but are not limited to recreational uses, such as the relocation and/or maintenance of trails and forest/woods roads. The installation and/or maintenance of docks and boat launches may also be considered. However, all efforts should be taken to minimize the above referenced activities near an ONRW waterbody. The decisions on individual proposed activities may be based on the following factors: (1) length of time during which water quality will be lowered, (2) percent change in ambient concentrations, (3) parameters affected, (4) likelihood of long-term water quality benefits to the segment (e.g., as may result from dredging of contaminated sediments), (5) degree to which achieving applicable water quality standards during the proposed activity may be at risk, and (6) potential for any residual long-term influences on existing uses. If any activity, after its commencement, is deemed to have impacts on water quality worse than is anticipated, this activity will be required to cease. The above list of potentially allowable activities is not complete. EPD cannot foresee all the types of activities that could occur in the ONRW watershed, and these potential activities should be discussed during the stakeholder process for each nomination package and included in the site-specific implementation plan for each ONRW.

#### **b. Stream Buffers**

Stream buffer variances will be considered for projects to improve and/or maintain water quality and aquatic habitat, and temporary effect activities, such as the installation, relocation and/or maintenance of trails, docks, boat launches, and forest/woods roads. EPD will follow normal permitting procedures in these requests.

### **C. Steps for Designation of Outstanding National Resource Waters**

The Georgia Board of Natural Resources is the entity that has the authority to designate a waterbody as an ONRW. The designation of a waterbody as an ONRW provides a significant level of protection for the waterbody. Such designation could also create varied economic consequences and benefits for a given watershed. Thus, public participation and review and approval by the Board of Natural Resources is required. The ONRW designation will be made by designating the waterbody as an ONRW in the antidegradation section of the Rules and Regulations for Water Quality Control (Chapter 391-3-6-.03). A site-specific implementation plan for the protection of the ONRW will be developed during the stakeholder process. The implementation plan will be referenced in the Rule. Below are the steps in designating an ONRW:

- Petitioner determines they want to nominate a waterbody for ONRW status.
- Petitioner contacts Watershed Planning & Monitoring Program for a meeting to discuss the nomination process. The petitioner should bring a map of the waterbody and watershed to the meeting and be prepared to discuss their plans for public involvement.
- Petitioner contacts stakeholders and conducts public outreach about the ONRW nomination. EPD should be informed, but outreach is to be organized and run by the petitioner.
- Petitioner gathers comments (i.e. letters of support and/or opposition for the nomination).
- Petitioner prepares nomination package and submits it to EPD.
- EPD will make a determination within 30-days of receiving the nomination package as to whether the package is complete. If it is not complete, it will be sent back to the petitioner with a clear statement of what information is missing.
- Once a complete nomination package is received, EPD will begin the Rule making process and will prepare its own public involvement plan (PIP).

- EPD will brief the DNR Board that a completed nomination package has been received.
- EPD will hold one or more stakeholder meetings regarding the ONRW nomination. EPD will set up and run the meetings, but the petitioners need to be present to give a presentation regarding why they are nominating the water for ONRW status.
- EPD, in coordination with stakeholders and petitioner, will develop a site-specific implementation plan of best management practices to protect existing water quality and quantity for the nominated ONRW. The implementation plan must be signed off by affected governmental agencies, local governments, and landowners.
- EPD will present the DNR Board with a briefing package including a true and exact copy of the Rule and a summary of issues that arose as part of the stakeholder process. It is EPD's goal to provide this briefing package to the Board within six months of receipt of a complete nomination package. However, more time may be needed depending upon the complexity of the issues that may arise during the stakeholder process.
- If the Board gives approval to proceed with the nomination, EPD will prepare a 45-day public notice of the proposed rule and will hold one or more public hearings (based on PIP). EPD will organize and run the hearing, but once again, the petitioner will need to be present to explain why they have nominated the water for ONRW status.
- EPD will prepare a response to comments and will prepare a Board Package requesting Board action on the proposed Rule. It will then be up to the Board whether or not to adopt the Rule and provide the water with ONRW status.