

**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 and authorized Indian Tribes 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:

- Incorporate the term “designated use(s)” throughout the rule;
- Add a definition for “primary contact recreation”, and update the description of the Recreation designated use for consistency with this definition;
- Update the definition for “secondary contact recreation”;
- Remove the word “unreasonably” from the general criteria;
- Add water effects ratio (WER) multiplier to the metal freshwater aquatic life criteria equations;
- Adopt EPA’s 2009 recommended aquatic life acrolein criteria;
- Adopt EPA’s 2012 recommended aquatic life carbaryl criteria;
- Revise and clarify the state’s bacteria criteria;
- Update the description for the Recreation designated use;
- Update the bacteria criteria description in paragraph (12) for consistency with updates to the bacteria criteria;
- Revise and correct specific designated uses for various waterbodies;
- Update pH criteria, and remove Total Nitrogen and Total Phosphorus criteria, for Lakes Oconee and Sinclair;
- Update temperature criteria for West Point and Walter F. George Lakes;
- Add language to allow site-specific metal criteria based on the Biotic Ligand Model or on water effect ratios; and
- Clarify language, and correct formatting or typos errors, in several paragraphs.

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

**391-3-6-.03, “Water Use Classifications and Water Quality Standards”** is being amended: to update the title of the rule; to incorporate the term “designated use(s)” throughout the rule; to add or revise definitions relating to primary and secondary contact recreation in paragraph (3), and to update the description of the Recreation designated use in paragraph (6) for consistency with these definitions; to remove the word “unreasonably” from the general criteria in paragraph (5); to add a water effects ratio (WER) multiplier to the metal freshwater aquatic life criteria equations in paragraph (5), and to add a paragraph (18) that provides specifics on the use of site-specific metal criteria based on the Biotic Ligand Model or WERs; to adopt EPA’s recommended aquatic life criteria for acrolein and carbaryl in paragraph (5); to revise and clarify the state’s bacteria criteria in paragraph (6), and to update the bacteria description in paragraph (12) for consistency; to correct paragraph references in subparagraphs (6)(d) and (6)(e); to revise and correct specific designated uses for various waterbodies in paragraph (14); to update the pH criteria and remove the Total Nitrogen and Total Phosphorus criteria for Lakes Oconee and Sinclair, and to update the temperature criteria for West Point and Walter F. George Lakes, in paragraph (17); and to clarify language, and correct formatting or typo errors, in several paragraphs.

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

- Incorporate the term “designated use(s)” throughout the rule for consistency with wording in the Clean Water Act. This term replaces previous instances of the terms “classifications”, “use classification”, “classified water usage”, “water usage”, and “water use classifications”
  - Includes amendments to the title of the rule, and to language in paragraphs (4), (6) and (14), and in subparagraphs (2)(b)(iii)3., (5)(e)(iv)8.(b), (5)(g), and (6)(f)
- Add a definition for “primary contact recreation” in paragraph (3) to describe the activities that may result in a significant risk of water ingestion
  - Includes addition of subparagraph (3)(l), and associated renumbering of subsequent subparagraphs
- Update the definition for “secondary contact recreation” in paragraph (3) to further identify activities that may result in incidental water ingestion
  - Includes amendments to subparagraph (3)(n)
- Remove the word “unreasonably” from paragraph (5)
  - Includes amendments to subparagraphs (5)(b) and (5)(c)
- Add water effect ratio (WER) multiplier, allowed under EPA guidance, to the metal freshwater aquatic life criteria equations in paragraph (5), which will enable site-specific criteria where studies have been conducted and approved
  - Includes amendments to subparagraph (5)(e)(ii), in footnotes and in equations
- Adopt EPA’s 2009 recommended aquatic life acrolein criteria in paragraph (5)

- Includes addition of subparagraph (5)(e)(iii)1., and associated renumbering of subsequent subparagraphs
- Adopt EPA’s 2012 recommended aquatic life carbaryl criteria in paragraph (5)
  - Includes addition of subparagraph (5)(e)(iii)2., and associated renumbering of subsequent subparagraphs
- Update the description of the Recreation designated use in paragraph (6)(b) for consistency with the “primary contact recreation” definition in paragraph (3)
- Revise order of criteria for fishing designated use in paragraph (6)(c) for consistency with order used under the drinking water and recreation designated uses
  - Includes moving subparagraphs (6)(c)(i) and (6)(c)(ii) to (6)(c)(ii) and (6)(c)(iii), respectively, and moving the bacteria criteria to subparagraph (6)(c)(i)
- Revise and clarify the bacteria criteria in paragraph (6) that are specific to the Drinking Water, Recreation, and Fishing designated uses, as informed by water ingestion studies published by EPA in 2019
  - Remove the fecal coliform criteria and statement of provisional application under the Drinking Water and Fishing bacteria criteria
    - Remove sentences in subparagraphs (6)(a)(i) and (6)(c)(i); remove subparagraphs (6)(a)(i)1., and (6)(c)(i)1.; and renumber subsequent subparagraphs
  - Revise the “ten percent excursion frequency of an E. coli statistical threshold value (STV)” values that apply during November through April for E. Coli bacteria criteria for Drinking Water and Fishing designated uses based on updated guidance from EPA that recommends a smaller multiplier be used to translate from the geometric mean value to the STV value
    - Revise STV values in subparagraphs (6)(a)(i)2., (6)(c)(i)1. and (6)(c)(i)2.
  - Revise the E. Coli bacteria criteria that apply during May through October for Drinking Water and Fishing designated uses to eliminate “non-human source” criteria
    - Includes removal of sentences from subparagraphs (6)(a)(i)1., (6)(c)(i)1., and (6)(c)(i)2.
  - Update the description of the Fishing designated use in paragraph (6)(c) to make it clear that the applicable bacteria criteria are specific to primary contact recreation and secondary contact recreation in certain seasons of the year
  - Clarify the sampling frequency and duration for bacteria criteria by using language being stricken elsewhere in the rule amendments
    - Includes revised language in subparagraphs (6)(a)(i)1., (6)(a)(i)2., (6)(b)(i)1., (6)(b)(i)2., (6)(c)(i)1. and (6)(c)(i)2.
- Correct paragraph references in subparagraphs (6)(d) and (6)(e)

- Revise language in paragraph (6)(f) to eliminate an unnecessary sentence and to clarify that waters designated as “Coastal Fishing” are listed under paragraph (14)
- Update the bacteria criteria description in paragraph (12) for consistency with updates to paragraph (6)
- Revise and correct specific designated uses in paragraph (14): to designate 12 specific river segments and 1 sound as “Recreation”; to clarify the boundaries of coastal recreation waterbodies by incorporating various sounds to the coastal recreation designations; to correct the river basin in which Big Creek is located (updated from the Suwannee River to the Satilla River Basin); and to correct the spelling of Nottely River and Lake Nottely in the Tennessee River Basin.
- Simplify the description of lake criteria in paragraph (17)
- Update the temperature criteria for West Point Lake and Lake Walter F. George in paragraphs (17)(a)(vii) and (17)(b)(vii), respectively
- Update the pH criteria, and remove the Total Nitrogen and Total Phosphorus criteria, for Lakes Oconee and Sinclair in paragraph (17) based on discussions with EPA
  - Includes amendments to subparagraphs (17)(g)(ii) and (17)(h)(ii)
  - Includes removal of subparagraphs (17)(g)(iii) and (17)(g)(iv), and associated renumbering of subsequent subparagraphs
  - Includes removal of subparagraphs (17)(h)(iii) and (17)(h)(iv), and associated renumbering of subsequent subparagraphs
- Added paragraph (18) to include site-specific metal criteria based on the Biotic Ligand Model and Water Effect Ratio, and moved the site-specific metal criteria based on the Biotic Ligand Model from subparagraph (5)(e)(ii) to subparagraph (18)(a)
  - Includes addition of paragraph (18), the corresponding removal of a site-specific metal criteria from subparagraph (5)(e)(ii), and revisions and additions to footnotes in subparagraph (5)(e)(ii)
- Correction to several formatting or typo errors in paragraphs (3), (5) and (17)

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

The Federal Clean Water Act 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 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 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, stakeholders and members of the public nominated many waterbodies throughout the state for a designated use change to recreation. EPD worked with nominating parties and other stakeholders to gather relevant information for evaluation of appropriateness of a designated use change for each waterbody. The proposed rule amendments have been informed by those types of information and incorporate amendments that clarify existing water quality rules, update or add definitions, adopt EPA's recommended aquatic life criteria for acrolein and carbaryl, revise and clarify the bacteria criteria, update designated uses for specific waterbodies, update criteria for several lakes, and incorporate the use of site-specific water effect ratios and Biotic Ligand Models into the aquatic life criteria.