

June 7, 2018

**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 April 6, 2018, EPD issued a public notice requesting comments on proposed amendments to the Rules for Water Quality Control, Chapter 391-3-6. A public hearing was held from 1:00 p.m. until 3:00 p.m. on May 22, 2018, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. The public comment period ended on May 25, 2018.

Public comments were received from six organizations and fifteen individuals during the comment period. The organizations included IDEXX (a water microbiology and testing company out of Maine), the Cobb County Water System, the City of Chattahoochee Hills, the Chattahoochee Hills Parks Commission, the Chattahoochee Coalition, and the Chattahoochee Riverkeeper.

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**  
**April 6 – May 25, 2018**  
**Regarding Proposed Amendments to Rules for Water Quality Control, Chapter 391-3-6,**  
**Pertaining to Triennial Review of Water Quality Standards**

**1) Comment:** One commenter requested that EPD consider changing the secondary trout designated use in the Chattahoochee River in Cobb and Fulton Counties from “Chattahoochee River Upstream from 285 West Bridge” to “Chattahoochee River Upstream from Peachtree Creek.”

**Response:** This item can be considered as part of the next Triennial Review process that will begin in early 2019, as EPD will need additional time to fully evaluate this request. Under the Clean Water Act and Georgia’s Rules for Water Quality Control, this change would require a use attainability analysis. The Act and rules establish specific provisions for a use attainability analysis, and it can be a complex process to undertake. EPD will need to consult with Georgia DNR’s Wildlife Resources Division and EPA to evaluate how to proceed with changing this stream segment’s designated use, and EPD will need WRD’s assistance in preparing any required analysis. EPD will also need time to engage stakeholders who may be affected by this change in designated use.

**2) Comment:** Four organizations and fifteen individuals requested that EPD change the designated use of the Chattahoochee River, from Atlanta (at Peachtree Creek) downstream to West Point Lake (at the confluence of the Chattahoochee River with the New River), to “Recreation.” This section of the Chattahoochee River includes approximately 76 river miles, and includes portions of the Chattahoochee River upstream and downstream from the segment currently proposed for designation as “Recreation” (Snake Creek to Yellowdirt Creek). The commenters highlighted current or planned water trail projects, the planned addition of boat launches, and various initiatives underway to promote recreation and river access in this section of the Chattahoochee River. One of the commenters asked for clarification from EPD about the appropriate timing and the type of information that would be needed to incorporate this type of request into the Triennial Review process. That commenter also recommended that the Chattahoochee River from the North Highlands Dam in Columbus to the confluence with Bull Creek be given a “Recreation” designated use.

**Response:** These requests for changes in designated use in other segments of the Chattahoochee River can be considered as part of the next Triennial Review process that begins in early 2019, as EPD will need additional time to fully evaluate the requests. At the end of the prior Triennial Review process, in June 2015, EPD received one written and two verbal comments from Friends of McIntosh Reserve and Carroll County recommending that EPD change the designated use of a particular segment of the Chattahoochee River. Based on that information, EPD began to look at that segment in more detail during the initiation of the current Triennial Review process in early 2016. Based on the facts presented to us and the available data, EPD considered designating the Chattahoochee River from Snake Creek to Yellowdirt Creek in Carroll and Coweta Counties to “Recreation.” While still fairly early in the current Triennial Review process, EPD reached out to both Carroll and Coweta Counties for their input on changing the designated use of this segment, as it serves as the border between their two counties. The proposed designation was also subject to larger public review and input during the Triennial Review stakeholder process in the late 2017.

**Responses to Comments Received During the Public Comment Period**  
**April 6 – May 25, 2018**  
**Regarding Proposed Amendments to Rules for Water Quality Control, Chapter 391-3-6,**  
**Pertaining to Triennial Review of Water Quality Standards**

The commenters' requests for a change in designation of the 76-mile segment of the Chattahoochee River was received in January 2018, and the request for a change in designation of the Chattahoochee River below Columbus was received in May 2018. Similar to the approach described above, EPD will take the time needed to fully evaluate those requests during the next Triennial Review process. To inform that evaluation, one of the commenters has collected signatures from residents along the 76-mile segment of the Chattahoochee River and will continue to document recreational use and community support to inform the next Triennial Review process.

As one commenter acknowledged, there are other stakeholders who may be affected by the changes in designation and they should be provided adequate time to be involved in the process. There are 19 NPDES dischargers to the 76-mile segment of the Chattahoochee River and its tributaries, as well as various municipalities, counties and other stakeholders. Having time to engage with those stakeholders will help inform EPD's consideration of the change in designation. EPD will also take time to research the current water quality of the proposed segments in considering the changes in designation. Many segments in the 76-mile stretch, as well as West Point Lake, are listed as impaired waters and have current TMDLs in place to facilitate water quality improvement.

**3) Comment:** One commenter noted that they did not feel that there was a sufficient explanation for the proposed addition of pH to the definition of natural conditions.

**Response:** EPD has observed that certain waters in the State have a natural pH outside the range of 6.0 – 8.5 due to a lack of buffering capacity related to natural low conductivity and hardness. Due to these occurrences of naturally lower pH levels in some of Georgia's waters, EPD believes pH should be included among the parameters listed under the definition of natural conditions in 391-3-6-.03(3)(i).

**4) Comment:** One commenter suggested a small change to the proposed revisions in 391-3-6-.03(2)(b)(ii), which included moving the term "only" from one location to another within a specific sentence.

**Response:** Comment noted. EPD does not believe the suggested change is needed and has not changed the proposed revisions to that paragraph, as the specific sentence referenced is taken verbatim from 40 CFR Part 131.12.

**5) Comment:** Two commenters offered support for the proposed change from fecal coliform to E. coli bacteria or enterococci criteria for waters with designated uses of "Drinking Water" and "Fishing." One of the two commenters also offered a suggestion for additional language in 391-3-6-.03(12) to clarify that fecal coliform is the bacterial indicator for secondary contact recreational waters until EPA approves the proposal for E. coli and enterococci.

**Responses to Comments Received During the Public Comment Period**  
**April 6 – May 25, 2018**  
**Regarding Proposed Amendments to Rules for Water Quality Control, Chapter 391-3-6,**  
**Pertaining to Triennial Review of Water Quality Standards**

**Response:** Comments noted. EPD did not incorporate the commenter’s suggested language in 391-3-6-.03(12), as similar language is already included under paragraphs 391-3-6-.03(6)(a)(i) and 391-3-6-.03(6)(c)(iii).

**6) Comment:** One commenter suggested EPD move forward with proposed numeric criteria for selenium, which is one of the items EPD noted as a potential item to address during the Triennial Review process.

**Response:** At this time, EPD does not intend to adopt EPA’s Recommended 2016 Aquatic Life Selenium Criteria because laboratory methods are currently unable to reliably analyze selenium at levels below the recommended criteria concentration. As the commenter has recommended, EPD will evaluate whether there are alternative EPA-approved laboratory methods that could be used to support a change in the selenium criteria during the next Triennial Review process.