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NATIONAL SUMMARY

OF

STATE WATER QUALITY STANDARDS

ANTIDEGRADATION

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PREPARED FOR

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

CRITERIA AND STANDARDS DIVISION

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INTRODUCTION

This digest is compiled to provide general information to the public as well as to Federal, State, and local officials. It contains excerpts from the individual Federal-State water quality standards establishing pollutant specific criteria for interstate surface waters. The water quality standards program is implemented by the U. S. Environmental Protection Agency where responsibility for providing water quality recommendations, approving State-adopted standards for interstate waters, evaluating adherence to the standards, and overseeing enforcement of standards compliance, has been mandated by Congress.

Standards, a nationwide strategy for surface water quality management, contain three major elements: the use (recreation, drinking water, fish and wildlife propagation, industrial, or agricultural) to be made of the navigable water; criteria to protect these uses; and an antidegradation statement to protect existing high quality waters, from degradation by the addition of pollutants.

Water quality criteria (numerical or narrative specifications) for physical, chemical, temperature, and biological constituents are stated in the July 1976 U. S. Environmental Protection Agency publication Quality Criteria for Water (QCW), available from the Government Printing Office, Washington, D. C. The 1976 QCW, commonly referred to as the "Red Book," is the most current compilation of scientific information used by the Agency as a basis for assessing water quality. This publication is subject to periodic updating and revisions in light of new scientific and technical information.

Antidegradation policies in State Water quality standards are the subject of this digest. The Agency recommends that each state adopt such a policy into its water quality standards.* There are several key concepts to be included as minimum requirements into this policy. These are:

(1) In all cases, existing instream beneficial stream uses must be maintained;

(2) High quality waters must be maintained unless the State decides to allow limited degradation where economically or socially justified (limited degradation is permitted to the extent at which water quality criteria necessary to sustain the national water quality goals uses are maintained);

(3) Outstanding national resource waters must be maintained and protected and;

(4) Thermal discharge limitations, as specified under Section 316(a) of the Clean Water Act as amended in 1977, will be considered to be in compliance with this policy.

* Guidelines for State and Areawide Water Quality Management Program Development; Chapter 5, Water Quality Standards.

Since water quality standards experience revisions and upgrading from time to time, following procedures set forth in the Clean Water Act, individual entries in this digest may be superseded. As these revisions are accomplished and allowing for the States to revise their standards accordingly, this digest will be updated and reissued. Because this publication is not intended for use other than as a general information resource, to obtain the latest information and for special purposes and applications, the reader needs to refer to the current approved water quality standards. These can be obtained from the State water pollution control agencies or the EPA or Regional Offices.

Individual State-adopted criteria follow:

REFERENCES

A California Water Quality Standards by River Basins, c.a. 1975

For more detailed information on selected basins, sub-basins and stretches of streams and coastal areas refer to California State Water Quality Standards.

B Delaware Water Quality Standards, March 25, 1979

C Idaho Water Quality Standards, c.a. September, 1979

D Missouri Water Quality Standards, c.a. February, 1978

E American Samoa Water Quality Standards, Revised July, 1973

F Territory of Guam Water Quality Standards, Sept. 1975

G Trust Territory of the Pacific Islands Water Quality Standards, October 21, 1973

H Virgin Islands Water Quality Standards, Aug. 1973

ENVIRONMENT REPORTER, The Bureau of National Affairs, Inc. Washington, D. C. 20037

1 Pages 701:0501-0509, February 16, 1979

2 Pages 706:1004-1008, July 20, 1979

3 Pages 711:0542-0544, August 5, 1977

4 Pages 716:0603, March 26, 1976

5 Pages 726:1005, 1011-1013, March 7, 1980

Basic Water Quality Standards adopted May 22, 1979, have not yet been submitted to EPA for formal approval.

6 Pages 731:1002-1009, September 8, 1978

7 Pages 746:1008-1014, October 19, 1979

8 Pages 751:0504-0505, January 25, 1980

9 Pages 765:0512-0515, January 30, 1976

10 Page 761:0503-0504, 1973

11 Page 766:0504-0509, October 5, 1979

12 Pages 771:0502-0504, September 29, 1978

13 Pages 776:0504-0506, April 10, 1979

14 Pages 781:0501-0502, May 18, 1979

15 Pages 786:0501-0502, August 29, 1975

16 Page 791:0583, May 26, 1978

17 Pages 796:0103-0108, February 16, 1979

18 Pages 801:1001-1002, Sept. 29, 1978

19 Page 806:1003, March 30, 1979

20 Page 811:1043, 1974

21 Pages 816:0602-0607, 0642-0648, 1974

22 Pages 821:0502-0505, June 30, 1978

23 Pages 831:0501-0510, February 21, 1975

24 Page 836:0502, June 30, 1978

25 Pages 841:0507-0537, December 7, 1979

26 Pages 846:0501-0508, November 17, 1978

27 Pages 851:1001-1023, December 15, 1978

28 Pages 856:1001-1002, July 18, 1978

29 Pages 861:1002-1007, August 11, 1979

30 Pages 866:1004-1009, December 28, 1979

31 Pages 871:0501-0506, November 25, 1977

32 Pages 876:1001-1043, May 26, 1978

33 Pages 881:1001-1007, September 21, 1979

34 Pages 886:0513-0524, August 29, 1975

35 Pages 891:1001-1129, November 16, 1979

36 Pages 901:0501-0505, November 3, 1978

37 Pages 906:0501-0506, October 13, 1978

38 Pages 911:0501-0507, June 22, 1979

39 Pages 916:0541-0544, April 14, 1978

40 Pages 921:1001-1003, August 13, 1976

41 Pages 926:0541-0563, January 26, 1979

42 Pages 931:0501-0508, May 26, 1978

43 Pages 936:1001-1003, June 27, 1975

44 Pages 941:1001-1005, May 26, 1978

45 Pages 946:0501-0520, July 14, 1978

46 Pages 951:1002-1003, April 28, 1978

47 Pages 956:1001-1007, January 11, 1980

48 Page 741:1002, November 23, 1979

49 Pages 896:0301-0310, March 31, 1978

ANTIDEGRADATION

State

Alabama[1]

The purpose and intent of the water quality standards is to conserve the waters of the State of Alabama and to protect, maintain and improve the quality thereof for public water supplies for the propagation of wildlife, fish and aquatic life, and for domestic, agricultural, industrial, recreational and other legitimate beneficial uses; and to provide for the prevention, abatement and control of new or existing water pollution. Waters of high quality located within national and state parks and other areas which constitute an outstanding national resource shall be maintained at such high quality.

Waters of quality higher than that established by the standards as of the effective date of such standards shall be maintained at that high quality water provided that the Commission has the authority to approve a new or increased discharge of waste to a high quality water upon demonstration that such discharge is necessary for economic or social development.

(1) In no case will developments constituting a new or increased source of pollution to high quality waters be allowed to install or operate less than the highest and best degree of treatment available under existing technology. This degree of treatment for industrial and municipal waste is generally considered to be a minimum of secondary treatment as described in Alabama Water Quality Standards. Where necessary to protect existing and future beneficial uses, a higher degree of treatment may be required.

(2) Developments constituting a new or increased source of thermal pollution shall assure that such release will not impair the propogation of a balanced indigenous population of fish and aquatic life.

(3) In applying these policies and requirements, the State of Alabama will recognize and protect the interests of the federal government. Toward this end the Commission will consult and cooperate with the Environmental Protection Agency on all matters affecting the Federal interest.

Alaska[2]

The reclassification of the state under this section is the exclusive procedure by which the department will change the use designations of waters. Proposed reclassifications by the department will conform to (d)-(i) of this section.

State	
Alaska (con't)	The use classification applicable to waters may not be challenged in a permit proceeding under 18 AAC 15 .020-100, a certification proceeding under 18 AAC 15.130-180, or in a judicial proceeding other than a timely suit for judicial review of a decision under this section. A petition for reclassification under this section may be filed at the same time as an application for a wastewater disposal permit under 18 AAC 15.010(a)(9) or 18 AAC 15.100(d), or an application for certification under 18 AAC 15.130 or 18 AAC 15.180; however, any deadlines applicable to those proceedings will be held in abeyance pending the outcome of the decision under this section.
Arizona[3]	Waters whose existing quality is better than the established standards shall not be lowered in quality unless and until it has been affirmatively demonstrated to the State Water Quality Control Council that such change is justifiable as a result of necessary economic or social development and will not interfere with or become injurious to any assigned uses made of, or presently possible in, such waters. Any industrial, public or private project or development which could constitute a new source of pollution or an increased source of pollution to high quality waters will be required, as part of the initial project design, to provide the best available technology economically achievable.
Arkansas[4]	It is recognized that certain waters of the State possess an existing quality which is better than established standards. The quality of these waters will be maintained unless and until it has been affirmatively demonstrated to the Commission that any reduction in quality is justifiable as a result of necessary economic and social development. The water quality criteria herein contained shall not be construed as permitting any waste amenable to treatment or control to be discharged into any waters of the State of Arkansas without reasonable treatment or control. The Arkansas Water and Air Pollution Control Act provides, among other things, that it shall be unlawful for any person to discharge any waste into any waters of the State without having first obtained a written permit from the Department of Pollution Control and Ecology (hereinafter referred to as "Department"). A disposal permit may not be issued unless there is submitted to the Department plans and specifications for a disposal system adequate to treat or control wastes so as not to cause water pollution as defined in the Act. Such treatment or control must be

State	
Arkansas (con't)	consistent with the state of the art and best practicable control technology, the minimum requirements being secondary treatment or equivalent, giving due regard to the quality and flow of the receiving waters, the present, future and potential uses of such waters, economic feasibility, and other relevant factors. The Commission will cooperate with the U. S. Environmental Protection Agency in implementing the Arkansas Water Quality Standards in general and this non-degradation policy in particular, including the furnishing of relevant information and data.
California[A]	On October 28, 1968, the State Board adopted Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California". While requiring the continued maintenance of existing high quality waters, the policy provides conditions under which a change in water quality is allowable. A change must: • be consistent with maximum benefit to the people of the State. • not unreasonably affect present and anticipated beneficial uses of water, and • not result in water quality less than that prescribed in water quality control plans or policies.
Colorado[5]	(1) Existing uses shall be maintained as required by state and federal law. No further water quality degradation is allowable which would interfere with or become injurious to existing uses. (2) High Quality Waters — Class 1 — no degradation shall be allowed in High Quality Waters — Class 1. These waters shall be maintained and protected at their existing quality. (3) High Quality Waters — Class 2 — these waters shall be maintained and protected at their existing quality unless the Commission chooses, after full intergovernmental coordination and public participation, to allow lower water quality as a result of necessary and justifiable economic or social development. In no event, however, may degradation of water quality interfere with or become injurious to existing uses. (4) Waters Other Than High Quality Waters — the numeric values of waters other than high quality waters may change; however, a quality must be maintained which will protect the existing and classified uses.

State

Connecticut[6]

Waters with existing quality better than the established standards as of the date such standards become effective will be maintained at their existing high quality. These waters of the state will not be lowered in such unless and until it has been affirmatively demonstrated to the Commissioner that such change is justifiable as a result of necessary economic or social development and unless it will not interfere with or become injurious to any assigned uses made of, or presently possible in, such waters. Any applicant for a permit for an industrial, public or private project or development which would constitute a new discharge to high quality waters will be required, if provided a permit, to justify the project as described above as part of the initial project design and to provide a minimum level of treatment equal to or exceeding the standards of performance for new sources promulgated pursuant to the Federal Water Pollution Control Act.

Delaware[B]

1. Delaware stream water quality shall be maintained so that existing beneficial uses are protected. Any actions that would interfere with or become injurious to existing uses shall be prohibited.

2. High Quality waters shall be maintained at their designated high quality unless it is shown by the discharger to the satisfaction of the Department that limited degradation is economically and environmentally justifiable.

3. Degradation in violation of any water quality criteria or standards contained herein shall be prohibited.

4. Upon receipt for an application for a permit to discharge into a stream segment or subsegment designated as high quality waters, whether an intermittent stream or not, a public hearing may be held in accordance with the provisions of 7 Del. C. §§ 6004 and 6006. It shall be the responsibility of the applicant to demonstrate that the proposed discharge will not cause degradation of such high quality waters, or that limited degradation is economically and environmentally justifiable. This shall include, inter alia, an evaluation of alternative discharge sites and waste disposal methods.

5. The hearing requirement imposed by 4. above shall not be construed to impose a requirement for an additional public hearing where such a hearing is otherwise held pursuant to law, provided the requirements of this section are thereby met.

State	
Delaware (con't)	6. In implementing this policy, the Department of Natural Resources and Environmental Control shall keep the Administrator of the Environmental Protection Agency or his designee advised and shall provide him with any information he may need to discharge his responsibilities under the Federal Clean Water Act of 1977 as amended.
Florida[7]	The present and future most beneficial uses of the waters of the state have been designated by the Department by means of a classification system...Water Quality Standards are established by the Department to protect the designated uses. The quality of water which exceeds the minimum quality necessary to support the designated use of these waters shall be protected and enhanced. The quality of waters which is lower than that necessary to support the designated use of those waters shall be protected and enhanced, provided, however, the Department shall not strive to abate natural conditions. The highest protection shall be afforded to outstanding Florida waters.
Georgia[8]	Those waters in the State whose existing quality is better than the minimum levels established in standards on the date standards become effective will be maintained at high quality; with the State having the power to authorize new developments, when it has been affirmatively demonstrated to the State that a change is justifiable to provide necessary social or economic development; and provided further that the level of treatment required is the highest and best practicable under existing technology to protect existing beneficial water uses.
Hawaii[9]	Not Specified
Idaho[10]	Waters of the State may be designated as special resource waters. Designation as a special resource water recognizes at least one (1) of the following characteristics: (a) The water is of outstandingly high quality, exceeding both the standards for primary contact recreation and cold water biota; or (b) The water is of unique ecological significance; or

State

Idaho (con't)

(c) The water possesses outstanding recreational or aesthetic qualities; or

(d) Intensive protection of the quality of the water is in the paramount interest of the people of Idaho; or

(e) The water is a part of the National Wild and Scenic River System, is within a State or National Park or wildlife refuge and is of prime or major importance to that park or refuge; or

(f) Intensive protection of the quality of the water is necessary to maintain an existing, but jeopardized beneficial use.

Restrictions on discharges and on activities which affect water quality - 0.1 Point Source Discharges to Special Resource Waters and Their Tributaries: No new point source can discharge, and no existing point source can increase its discharge, above the design capacity of the existing wastewater treatment facility to any water designated as special resource water or to the tributary of or to the upstream segment of a special resource water, if pollutants significant to the designated uses contained in that discharge can or will result in a reduction of the ambient water quality of the receiving special resource water as measured immediately below the applicable mixing zone.

.02 Discharges Which Result in Water Quality Standards Violation: No pollutant may be discharged from a single source or in combinations with pollutants discharged from other sources in concentrations or in a manner that:

(a) Will or can be expected to result in a violation of water quality standards applicable to the receiving water body or downstream waters; or

(b) Will injure designated or protected beneficial uses.

.03 Limitations to Point Source Restrictions: So long as a point source discharge or wastewater treatment facility is regulated by the terms and conditions of an authorization pursuant to Manual Section 1-2301, a Board order, decree or compliance schedule, a valid discharge permit issued by the U.S. Environmental Prection Agency, or is subject to the provisions of Manual Section 1-2400.02, the discharge or facility will not be subject to additional restrictions or conditions based on Manual Sections 1-2200, 1-2300.01 or 1-2300.02(a).

State

Idaho (con't)

.04 Limitations to Nonpoint Source Restrictions: So long as a nonpoint source activity is being conducted in accordance with applicable rules, regulations and best management practices as referenced in Manual Section 1-2300.05, or in the absence of referenced applicable best management practices, conducted in a manner that demonstrates a knowledgeable and reasonable effort to minimize resulting adverse water quality impacts, the activity will not be subject to conditions or legal actions based on Manual Sections 1-2300.01 or 1-2300.02(a).

.05 Approved Best Management Practices: The following are approved best management practices for the purpose of Manual Section 1-2300.04:

(a) "Idaho Forest Practices Rules," as adopted by the Board of Land Commissioners; and

(b) "Rules Governing Solid Waste Management," Title 1, Chapter 6, Rules and Regulations of the Department of Health and Welfare; and

(c) "Rules Governing Subsurface and Individual Sewage Disposal Systems," Title 1, Chapter 3, Rules and Regulations of the Department of Health and Welfare; and

(d) "Rules and Regulations and Minimum Standards for Stream-channel Alterations," as adopted by the Board of Water Resources; and

(e) For the Spokane Valley Rathdrum Prairie Aquifer, "Rathdrum Prairie Sewage Disposal Regulations," as adopted by the Panhandle District Health Department Board of Health and approved by the Idaho Board of Health and Welfare.

.06 Activity Restrictions on Spokane Valley - Rathdrum Prairie Aquifer: The waters of the Spokane Valley - Rathdrum Prairie Aquifer, as described by the U. S. Environmental Protection Agency in its designation as a "sole source" aquifer under Section 1424(e) of the Safe Drinking Water Act, must not be lowered in quality, as relates to appropriate beneficial uses, as a result of a point source or nonpoint source activity unless it is demonstrated by the person proposing the activity that such change is justifiable as a result of necessary economic or social development.

State

Idaho (con't)

Short-Term Activity Exemption

.01 Short Term Activity Authorization: The Department or the Board can authorize with whatever conditions deemed necessary short-term activities even though such activities can result in a violation of these rules.

.02 Authorization Limits: No activity can be authorized through the provisions of Manual Section 1-2301 unless:

(a) The activity is essential to the protection or promotion of public interest.

(b) No permanent or long-term injury of beneficial uses is likely as a result of the activity.

.03 Eligible Activities: Activities eligible for authorization under Manual Section 1-2301 include, but are not limited to:

(a) Wastewater treatment facility maintenance; and

(b) Fish eradication projects, and

(c) Mosquito abatement projects; and

(d) Algae and weed control projects: and

(e) Dredge and fill activities; and

(f) Activities which result in overall enhancement or maintenance of beneficial uses.

Illinois[11]

Waters whose existing quality is better than the established standards at the date of their adoption will be maintained in their present high quality. Such waters will not be lowered in quality unless and until it is affirmatively demonstrated that such change will not interfere with or become injurious to any appropriate beneficial uses made of, or presently possible in such waters and that such change is justifiable as a result of necessary economic or social development.

Indiana[12]

The following policies of nondegradation are applicable to all waters of the State.

(a) (General) For all waters of the State, existing instream beneficial uses shall be maintained and protected. No degradation of water quality shall be permitted which would interfere with or become injurious to existing uses.

State

Illinois (con't)

(b) (High Quality Waters) All waters whose existing quality exceeds the standards established herein as of the date on which this regulation becomes effective shall be maintained in their present high quality unless and until it is affirmatively demonstrated to the Board that limited degradation of such waters is justifiable on the basis of necessary economic or social factors and will not interfere with or become injurious to any beneficial uses made of, or presently possible, in such waters. In making a final determination under this subsection, the Board shall give appropriate consideration to public participation and intergovernmental coordination.

(c) (National or State Resource Waters) All waters of high quality, as defined in Section 2(b), which are designated by the Board to be an outstanding National or State resource shall be maintained in their present high quality without degradation. Similarly, all waters incorporated by the Indiana Department of Natural Resources into the Natural, Scenic, and Recreational Rivers System shall be maintained in their present quality.

(d) Any determination made by the Board in accordance with Section 316 of the Federal Water Pollution Control Act Amendments of 1972 (FWPCA) concerning alternative thermal effluent limitations will be considered to be consistent with the policies enunciated in this section.

The following policies of nondegradation are applicable to all waters of Lake Michigan. (330 IAC 2-1)

(a) Harbor areas. For all waters of the contiguous harbor areas, designated beneficial uses shall be maintained and protected.

(b) Lake Michigan Open Waters. All open waters of Lake Michigan whose existing quality exceeds the standards established herein as of the date on which this regulation (330 IAC 2-1) become effective shall be maintained in their present high quality unless and until it is affirmatively demonstrated to the Board that limited degradation of such waters is justifiable on the basis of necessary economic or social factors and will not interfere with or become injurious to any beneficial uses made of, or presently possible, in such waters. In making a final determination under this subsection, the Board shall give appropriate consideration to public participation and intergovernmental coordination.

State

Illinois (con't)

(c) National or State Resource Waters. All waters of high quality, as defined in Section 2(b) (subsection (b) of this section), which are designated by the Board to be outstanding National or State resource shall be maintained in their present high quality without degradation. Similarly, all waters incorporated by the Indiana Department of Natural Resources into the Natural, Scenic, and Recreational Rivers Systems shall be maintained in their present quality as well as those portions of Lake Michigan incorporated in the Dunes National Lakeshore.

(d) Any determination made by the Board in accordance with Section 316 of the Federal Water Pollution Control Act Amendments of 1972 (FWPCA) concerning alternative thermal effluent limitations will be considered to be consistent with the policies enunciated in this section.

Nondegradation Policies. The following policies of nondegradation are applicable to all waters of the Grand Calumet River and the Indiana Harbor Ship Canal: (330 IAC 2-2)

(a) General. For all waters existing instream beneficial uses shall be maintained and protected. No degradation of water quality shall be permitted which would interfere with or become injurious to existing uses.

(b) Higher Quality Waters. All waters whose existing quality exceeds the standards established herein, as of the date on which this regulation (330 IAC 2-2) becomes effective, shall be maintained in their present quality unless and until it is affirmatively demonstrated to the Board that limited degradation of such waters is justifiable on the basis of necessary economic or social factors and will not interfere with or become injurious to any beneficial uses made of, or presently possible, in such waters. In making a final determination under this subsection, the Board shall give appropriate consideration to public participation and intergovernmental coordination.

(c) Any determination made by the Board, in accordance with Section 316(a) of the Federal Water Pollution Control Act Amendments of 1972 (FWPCA), concerning alternative thermal effluent limitations, will be considered to be consistent with the policies enunciated in this section.

Sec. 2. Nondegradation Policies. The following policies of nondegradation are applicable to all waters contained in this regulation (330 IAC 2-3).

State

Illinois (con't)

(a) General. For all waters of the Wolf Lake Proper and Wolf Lake Channel, existing instream beneficial uses shall be maintained and protected. No degradation of water quality shall be permitted unless and until it is affirmatively demonstrated to the Board that limited degradation of such waters is justifiable on the basis of necessary economic or social factors and will not interfere with or become injurious to any beneficial uses made of, or presently possible, in such waters. In making a final determination under this subsection, the Board shall give appropriate consideration to public participation and intergovernmental coordination.

(b) Any determination made by the Board in accordance with Sec. 316 of the Federal Water Pollution Control Act Amendments of 1972 (FWPCA) considering alternate thermal effluent limitations will be considered to be consistent with the policies enunciated in this Section.

Sec. 1 Nondegradation Policies. The following policies of nondegradation are applicable to all waters covered by this regulation (330 IAC 2-4).

(1) High Quality Waters: All waters whose existing quality exceeds the standards established herein as of the date on which this regulation (330 IAC 2-4) becomes effective shall be maintained in their present high quality unless and until it is affirmatively demonstrated to the Board that limited degradation of such waters is justifiable on the basis of necessary economic or social factors and will not interfere with or become injurious to any beneficial uses made of, or presently possible, in such waters. In making a final determination under this subsection, the Board shall give appropriate consideration to public participation and intergovernmental coordination.

(2) National or State Resource Waters: All waters of high quality, as defined in Section A.1 (subsection (1) of this section), which are designated by the Board to be outstanding national or state resource shall be maintained in their present high quality without degradation. Similarly, all waters incorporated by the Indiana Department of Natural Resources into the Natural, Scenic, and Recreational Rivers Systems shall be maintained in their present quality as well as those waters incorporated in the Dunes National Lakeshore.

State	
Illinois (con't)	(3) Any determination made by the Board in accordance with Section 316 of the Federal Water Pollution Control Act Amendments of 1972 (FWPCA) concerning alternative thermal effluent limitations will be considered to be consistent with the policies enunciated in this section.
Iowa[13]	(a) Existing designated water uses will be maintained and protected. No further water quality degradation which would interfere with or become injurious to water uses designated in this chapter will be allowed. (b) Those existing high quality waters which exceed the water quality levels as necessary to protect existing water uses will be maintained at or above existing water quality, except when, after full satisfaction of the intergovernmental co-ordination and public participation provisions of the continuing planning process, it is determined that there is need to lower the water quality because of necessary and justifiable economic or social development.
Kansas[14]	All waters of the state whose existing quality is better than the applicable water quality criteria as established herein shall not be lowered in quality until it has been determined by the Kansas department of health and environment in accordance with the provisions of the state continuing planning process that the change is justifiable as a result of necessary social and economic development and that existing instream water uses will be protected from a quality standpoint. In no case shall the quality of waters of the state be reduced below the quality criteria as established herein.
Kentucky[15]	(1) It is the purpose of these regulations to safeguard the waters of the Commonwealth for their designated uses, to prevent the creation of any new pollution of the waters of the Commonwealth, and to abate any existing pollution. (2) The state water quality standards and continuing plannng process designed to provide for the protection of the existing water quality and/or the upgrading or enhancement of water quality in all waters of the Commonwealth shall serve as the method for implementation of this policy. (3) The implementation of this policy shall conform to 40 CFR 130.17 (35.1550) to the extent allowed by KRS 224.020.

State

Kentucky (con't)

(4) No degradation shall be allowed in outstanding resource waters to the extent that:

(a) The introduction of specific pollutants exceeds the criteria established pursuant to Section 8(2) of 401 KAR 5:031; or

(b) The legitimate beneficial uses of these waters are impaired.

Louisiana[16]

It is the policy of the Louisiana Stream Control Commission that all interstate waters and intrastate waters, portions thereof, and coastal waters whose existing quality exceed the approved water quality standards will be maintained at their existing high quality unless the state chooses after full satisfaction of the intergovernmental coordination and public participation provisions of the State Continuing Planning Process to allow lower water quality as a result of necessary and justifiable economic and/or social development, and further that such change will not interfere with or become injurious to the existing instream water uses. The Louisiana Stream Control Commission will disapprove any waste discharge that will cause water quality degradation of interstate waters and intrastate waters, portions thereof, and the coastal waters of Louisiana below the standards adopted by the State of Louisiana and approved by the United States Environmental Protection Agency without complying with the Federal and State of Louisiana laws applicable to the attainment of water quality standards. Any industrial, public or private project or development that would constitute a new source of pollution or an increased source of pollution to any of the waters in Louisiana will be required, as part of the initial project design, to provide the highest and best degree of waste treatment available under existing technology consistent with the best practice in the area affected under the condition applicable to the project or development. Further, there shall be achieved the highest statutory and regulatory requirements for all existing point sources and feasible management or regulatory programs pursuant to Section 208 of Public Law 92-500 for nonpoint sources, both existing and proposed. Additionally, no degradation shall be allowed in high quality waters which constitute an outstanding national resource, such as waters of national and state parks and wildlife refuges, waters in the state scenic river system and waters of exceptional recreational or ecological significance. This policy and implementation method shall be consistent with Section 316 of PL 92-500 (Re: thermal discharges). Consistent

State

Louisiana (con't)

with the provisions of the Federal Water Pollution Control Act as amended (1972) (PL 92-500) the Louisiana Stream Control Commission will keep the United States Environmental Protection Agency informed of its activities and will furnish the United States Environmental Protection Agency informational reports, in such form as the Administrator of the United States Environmental Protection Agency may, from time to time reasonably require to carry out his function under the Federal Water Pollution Control Act Amendments of 1972. The Louisiana Stream Control Commission will consult and cooperate with the United State Environmental Protection Agency on matters that are proper consideration of the Federal Agency; the United States Environmental Protection Agency will reciprocate in matters that are a proper consideration of the Louisiana Stream Control Commission.

Maine[17]

The Maine Department of Environmental Protection, acting to further the preservation of and enhance the quality of the State's water resources, adopts the following resolution:

Consistent with the classification system and policies established by the Legislature under Title 38, it is the intent of the Department of Environmental Protection to conserve the waters of the State and to protect, maintain, and improve the quality thereof for public water supply, for the propagation of wildlife, fish and aquatic life, and for domestic, agricultural, industrial, recreational, and other legitimate uses; and to provide that no waste be discharged into any waters of the State without first, as a minimum, being given the degree of treatment necessary to maintain the present classification; and to provide for the prevention, abatement and control of new and existing water pollution and to fully cooperate with other State, interstate, regional and Federal agencies in implementing this policy and in discharging their responsibilities.

Waters whose existing quality exceeds the established classification standards will be maintained at such high quality unless it has been demonstrated to the Department that the change will not preclude uses presently possible in such waters and is justifiable as a result of necessary social or economic development. Any project or development which would constitute a new or an increased source of pollution to high quality waters will be required to provide the necessary degree of waste treatment to maintain such high water quality.

State

Maine (con't)

The Department of Environmental Protection, desiring to further improve and expand the availability of waters suitable for the propagation of fish and wildlife and to increase the suitability of these waters, and recognizing the State of Maine is sufficiently large and diverse that natural water quality varies considerably throughout its limits, hereby adopts the following resolution of policy:

There shall be no discharge to surface waters of the State of Maine altering the temperature or quality thereof in such a way, or to such a degree, that the usages under the applicable classification are impaired. It shall further be the policy of the Department of Environmental Protection to establish by regulation certain parameters of quality, including but not limited to temperature for specific streams and segments thereof, to effect more accurate controls for the benefit of aquatic life.

Maryland[18]

(1) It is recognized that certain waters of the State possess existing quality which is better than the water quality standards established for them. The quality of these waters shall be maintained unless and until it has been demonstrated to the satisfaction of the Administration that a change is justifiable as a result of necessary economic or social development and will not preclude uses made of or presently possible in these waters. To accomplish this objective, all proposed new or increased sources of pollution are required to provide best practicable degree of waste treatment to maintain these waters at this higher quality.

(2) In addition, there shall be furnished to the Environmental Protection Agency the information needed to enable the Administrator of the Environmental Protection Agency to fulfill his responsibilities under the Federal Law.

(3) Water which does not meet the standards established for it shall be improved to meet the standards.

Massachusetts[19]

Regulation 4.1 Protection of Existing Uses. In all cases, from and after the date these regulations become effective, the quality of the waters of the Commonwealth shall be maintained and protected to sustain existing beneficial uses.

State

Massachusetts (con't)

Regulation 4.2 Protection of High Quality Waters. From and after the date these regulations become effective, waters designated by the Division in Regulation 5.5 whose quality is or becomes consistently higher than that quality necessary to sustain the national goal uses shall be maintained at that higher level of quality unless limited degradation is authorized by the Division. Limited degradation may be allowed by the Division as a variance from this regulation as provided in Section 4.6.

Regulation 4.3 Protection of Low Flow Waters. Certain waters will be designated by the Division in Regulation 5.5 of these standards for protection under this section due to their inability to accept pollutant discharges. New or increased discharges of pollutants to waters so designated are prohibited unless a variance is granted by the Division as provided in Regulation 4.6.

Regulation 4.4 National Resource Waters. Waters which constitute an outstanding national resource as determined by their outstanding recreational, ecological and/or aesthetic values shall be preserved. These waters shall be designated for preservation by the Division in Regulation 5.5 of these standards. Waters so designated may not be degraded and are not subject to a variance procedure. New discharges of pollutants to such waters are prohibited. Existing discharges shall be eliminated unless the discharger is able to demonstrate that:

(a) Alternative means of disposal are not reasonable available or feasible; and

(b) The discharge will not affect the quality of the water as a national resource.

Regulation 4.5 Control of Eutrophication. The discharge of nutrients, primarily phosphorus or nitrogen, to waters of the Commonwealth will be limited or prohibited by the Division as necessary to prevent excessive eutrophication of such waters. There shall be no new or increased discharges of nutrients into lakes and ponds, or tributaries thereto. Existing discharges containing nutrients which encourage eutrophication or growth of weeds or algae shall be treated. Activities which may result in non-point discharges of nutrients shall be conducted in accordance with the best management practices reasonably determined by the Division to be necessary to preclude or minimize such discharges of nutrients.

State

Massachusetts (con't)

Regulation 4.6 Variances. A variance to authorize a discharge in water designated for protection under regulation 4.2 may be allowed by the Division where the aplicant demonstrates that:

(1) The proposed degradation will not result in water quality less than specified for the class; and

(2) The adverse economic and social impacts specifically resulting from imposition of controls more stringent than secondary treatment to maintain the higher water quality are substantial and widespread in comparison to other economic factors and are not warranted by a comparison of the economic, social and other benefits to the public resulting from maintenance of the higher quality water.

In addition to the above, the applicant for a variance to authorize a discharge into waters designated for protection under Regulation 4.3 must demonstrate that:

(3) Alternative means of disposal are not reasonable available or feasible.

In any proceeding where such variance is at issue, the Division shall circulate a public notice in accordance with the procedures set forth in G.L. c30A §3. Said notice shall state that a variance is under consideration by the Division, and indicate the Director's tentative determination relative thereto. To the extent feasible, the variance proceeding shall be conducted as part of any pending discharge permit proceedings pursuant to G.L. c21, §43. In any variance procedure, the burden of proof relative to justifying the variance shall be on the party requesting the variance. Any variance granted pursuant to this regulation shall not extend beyong the expiration date of the permit.

Michigan[20]

Waters of the state in which the existing water quality is better than the water quality standards prescribed by these rules on the date when the standards become effective, shall not be lowered in quality by action of the commission unless it has been affirmatively demonstrated to the commission that a change in quality will not become injurious to the public health, safety or welfare; or become injurious to domestic, commercial, industrial, agricultural, recreational, or other uses which are being made of the water; or will not become injurious to livestock, wild animals, birds, aquatic life, or plants, or the growth or propagation thereof will not be prevented or injuriously affected; or

State	
Michigan (con't)	whereby the value of fish or game may be destroyed or impaired, and that a lowering in quality will not be unreasonable and against the public interest in view of the existing conditions in any waters of the State. Waters of the state which do not meet the water quality standards prescribed by these rules shall be improved to meet those standards. Where the water quality of certain waters of the State do not meet the water quality standards as a result of natural causes or conditions, no further reduction of water quality by controllable point and non-point sources shall be permitted.
Minnesota[21]	Waters which are of quality better than the established standards shall be maintained at high quality unless a determination is made by the Agency that a change is justifiable as a result of necessary economic or social development and will not preclude appropriate beneficial present and future uses of the waters. Any project or development which would constitute a source of pollution to waters of the state shall be required to provide the best practicable control technology currently available not later than July 1, 1977 and the best available technology economically achievable not later than July 1, 1983, and any other applicable treatment standards as defined by and in accordance with the requirements of the Federal Water Pollution Control Act, 33 U.S.C. 1251 et. seq., as amended, in order to maintain high water quality and keep water pollution at a minimum. In implementing this policy, the Administrator of the U.S. Environmental Protection Agency will be provided with such information as he requires to discharge his responsibilities under the Federal Water Pollution Control Act, as amended.
Mississippi[22]	The policy inherent in the standards shall be to protect water quality existing at the time these water quality standards were adopted or to upgrade or enhance water quality within the State of Mississippi. Waters whose existing quality is better than the established standards will be maintained at high quality, unless the Commission decides to allow limited degradation where economically and socially justified. In no event, however, may degradation of water quality interfere with or become injurious to existing instream water uses. Further, in no case will water quality be degraded below (or above) the base levels set forth in these standards for the protection of the beneficial uses described herein. In receiving waters which the Commission determine to be of exceptionally high quality, the policy shall be to maintain that existing high quality.

State

Missouri[D]

The commission shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and feasible management or regulatory programs pursuant to section 208 of PL 92-500 for nonpoint sources, both existing and proposed.

Water quality management practices shall maintain the high quality of those waters which possess a quality better than that required by the specific criteria. Designated water uses for all classified waters shall be protected. The Commission may, however, after full satisfaction of the inter-governmental coordination and public participation provisions of the state continuing planning process, allow lower water quality as a result of justifiable and widespread economic or social development, provided that:

1. Existing instream water uses are maintained and protected. No further water quality degradation which would interfere with or become injurious to existing instream water uses is allowable.

2. No public health hazard is created.

3. There is no degradation of outstanding national resource waters.

Montana[23]

The board shall require:

(1) that any state waters whose existing quality is higher than the established water quality standards be maintained at that high quality unless it has been affirmatively demonstrated to the board that a change is justifiable as a result of necessary economic or social development and will not preclude present and anticipated use of these waters and

(2) any industrial, public, or private project or development which would constitute a new source of pollution or an increased source of pollution to high-quality waters, referred to in subsection (1), to provide the degree of waste treatment necessary to maintain that existing high water quality.

Nebraska[24]

It is the public policy of the State of Nebraska to conserve the water in this State and to protect and improve the quality of water for human consumption, wildlife, fish and other aquatic life, industry, recreation and other productive, beneficial uses.

State

Nebraska (con't)

It is recognized that certain surface waters of Nebraska possess an existing quality which is better than the criteria assigned to the various uses set out in these standards as of the date the standards become effective. These existing instream water uses shall be maintained and protected.

The State may choose, after full satisfaction of the intergovernmental coordination and public participation provisions of section 8.7 of the Nebraska plan for a continuing planning process, to allow lower water quality as a result of necessary, justifiable and widespread economic or social development, provided however, that in no event may degradation of water quality interfere with or become injurious to existing instream water uses.

If water quality is to be degraded, without changing existing water uses, the most stringent statutory and regulatory requirements will be applied to new and existing point sources through the wastewater discharge permit process and new source performance standards.

No degradation shall be allowed in high quality waters which constitute an outstanding National resource, such as waters of the National Forests or Grasslands and wildlife refuges and waters of exceptional recreation or ecological significance.

There shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and feasible management or regulatory programs pursuant to section 208 of the Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, (the "Act") for nonpoint sources, both existing and proposed.

In cases where potential water quality impairment associated with a thermal discharge is involved, the method of implementation of this anti-degradation policy shall be consistent with section 316 of the Act.

The State recognizes the goal of the Act: water quality which provides for the protection and propagation of fish and wildlife and provides for recreation in an on the water be achieved by July 1, 1983, where attainable. In that connection, when data reveals that technical violations of these standards result from natural, unabateable causes, making the existing standards unattainable, a downgrading of the state beneficial use may be made, when justified, after following the procedure states in section 8.7 of the Nebraska plan for a continuing planning process.

State

Nebraska (con't)

In implementing this policy, the Department of Environmental Control will provide to the Administrator, U. S. Environmental Protection Agency, such information as he requires to discharges his responsibilities under the Federal Water Pollution Control Act as amended.

Nevada[25]

Policy - Preservation and Enhancement of Our Water Resources:

The intent of this policy is to enhance water quality by upgrading waters that are at present affected by pollution and to perpetually maintain the quality of waters that are at present of high or suitable quality.

The intent of this policy is not to 'freeze in' present uses of water or to exclude other possible uses, but to enhance the quality and productivity of one of our major natural resources - water.

New Hampshire[26]

In accordance with Public Law 92-500 and Federal regulation 40 CFR 130, Section 130.17 (a), the New Hampshire Water Supply and Pollution Control Commission has adopted the following Antidegradation Policy:

(1) In all cases, existing instream beneficial water uses will be maintained and protected. Any actions that would become injurious to existing uses cannot be undertaken. Waste assimilation and transport are not recognized beneficial uses;

(2) Existing high quality waters will be maintained at their existing high quality unless the New Hampshire Water Supply and Pollution Control Commission decides to allow limited degradation where economically or socially justified. If limited degradation is allowed, it cannot result in violation of water quality criteria that describe the base levels necessary to sustain the State and National Water Quality goal uses of protection and propagation of fish, shellfish, and wildlife and recreation in and on the water;

(3) In all cases, high quality water which constitutes an outstanding State or National Resource will be maintained and protected;

(4) Any determinations concerning thermal discharge limitations under Section 316 (a) of Public Law 92-500 will be considered in compliance with the antidegradation policy.

State

New Jersey[27]

Where existing water quality is better than the established criteria, the Department of Environmental Protection in the administration of these regulations shall maintain the quality of such waters unless it can be demonstrated that change is justifiable as a result of necessary economic or social development.

In all situations where they may be an impingement of a lesser quality water upon that of a higher quality of water, the lesser quality of water shall be upgraded in order to protect or improve adjacent higher quality waters.

Waters which are designated to be retained in their natural state, and therefore not subject to any man-made wastewater discharges, shall be protected.

Nondegradation of Central Pine Barrens Water Quality: The Pine Barrens constitutes a unique and particularly fragile ecosystem compared with other coastal pine areas both within and outside this State. In light of the vulnerable character of the area, the Department shall not, in the performance of its statutory duties, approve any activity which, alone or in combination with other activities, will cause degradation in the existing surface water quality characteristics. The State encourages rational and ecologically sound agricultural practices and other appropriate uses. The fine recreational opportunities and the vast high quality ground water reservoir which exist in the area provide further reason for a special State water quality policy in regard to the Central Pine Barrens.

The State's Central Pine Barrens water quality policy is not intended to interfere with water control in the operation of cranberry bogs.

New Mexico[28]

Degradation of waters the quality of which is better than the stream standards established by the New Mexico Water Quality Control Commission is not reasonable degradation and is subject to abatement under the authority granted the Commission by the New Mexico Water Quality Act, as amended, unless it is justifiable as a result of necessary economic and social development. Existing instream water uses shall be maintained and protected. No degradation shall be allowed in high quality waters of designated national and state parks and wildlife refuges if such degradation would impair any of the qualities which caused designation of the parks and wildlife refuges. To protect the existing quality of water, the Commission under that

State	
New Mexico (con't)	Act will required the highest and best degree of effluent treatment practicable. In those cases where potential water quality impairment associated with a thermal discharge is involved, this antidegradation policy shall be consistent with Section 316 of the Federal Water Pollution Control Act. In implementing this section, the Commission through the appropriate regional offices of the Federal Environmental Protection Agency will keep the Administrator advised and provided with such information concerning the waters of New Mexico as he will need to discharge his responsibilities under the Federal Water Pollution Control Act as amended (PL92-500 and PL95-217).
New York[29]	It is recognized that certain waters of New York State possess an existing quality which is better than the classification standards assigned thereto. The quality of these waters will be maintained unless and until it has been demonstrated to the satisfaction of the Commissioner of Environmental Conservation that other uses and different standards are justifiable as a result of necessary economic or social development. To accomplish this objective all proposed new or increased sources of pollution will be required to provide the best practical degree of waste treatment to maintain these waters at this higher quality. In addition, there will be furnished to the Federal Water Quality Administration, U. S. Department of the Interior, such information as is needed to enable the Secretary of the Interior to fulfill his responsibilities under the Federal law. Water which does not meet the assigned classification will be improved to meet the standards. Adopted by Water Resources Commission, May 7, 1970
North Carolina[30]	It is the policy of the Environmental Management Commission to maintain, protect, and enhance water quality within the State of North Carolina. Pursuant to this policy, the Environmental Management Commission will not approve any project or development which would result in the significant degradation of waters whose existing quality is better than the assigned water quality standards, unless such degradation is found by the commission to be justifiable to provide necessary economic and social development. In such cases, those pollution control measures necessary to maintain high water quality will be required

State	
North Carolina (con't)	where physically and economically feasible. Prior to approval of any project or development which will result in the significant degradation of water quality, the commission will solicit, through public notice or public hearing or both, comments from the public and intergovernmental agencies relative to the project or development and anticipated water quality degradation. In cases where the project or development requires a NPDES permit, the Environmental Management Commission shall publish in conjunction with the public notices required by 15 NCAC 2H .0109(a) (regarding application for a NPDES permit) and 15 NCAC 2H .0109(b) (regarding a public hearing on NPDES permit application) a statement that such project or development is anticipated to result in significant degradation. Furthermore, the commission shall consider the present and anticipated usage of said water, including any uses not specified by the assigned classification (such as waters of exceptional recreational or ecological significance), and will not allow degradation of any waters which would result in the impairment of those uses for an extended period of time. In implementing this policy, the commission will keep the United States Environmental Protection Agency informed and will provide it with such information as it will need in discharging its responsibility under the Federal Water Pollution Control Act as amended October 8, 1972, and December 28, 1977.
North Dakota[31]	Not Specified
Ohio[32]	Existing instream water uses as defined in Rule 3745-1-08 of the Ohio Administrative Code shall be maintained and protected. No further water quality degradation which would interfere with or become injurious to existing designated uses is allowable. Waters in which existing water quality is better than the prescribed standards and exceeds those levels necessary to support propagation of fish, shellfish, wildlife and recreation in an on the water shall be maintained and protected. However, the Director of OEPA may, after compliance with public notice and intergovernmental coordination requirements of any applicable statutes and regulations, and after due consideration of such technical, economic, social and other criteria as the applicable statutes and regulations set forth, choose to allow lower water quality. Degradation of water quality shall not interfere with or become injurious to existing or planned uses, and the Director shall require that the most effective waste treat-

State

Ohio (con't)

ment available under existing technology be employed by all new point sources, and that feasible management or regulatory programs pursuant to Section 208 of Public Law 92-500 be applied to non-point sources.

The waters indicated below shall be designated as State and National Resource Waters. These will include all National, State and Metropolitan park systems, wildlife refuges and preserves, wild, scenic and recreational rivers, publicly owned lakes and reservoirs and waters of exceptional recreational or ecological significance (e.g., waters which provide a habitat for identified threatened or endangered species) as determined by the Director of OEPA. Present ambient water quality will be maintained for all substances determined to be toxic or to interfere with any designated use as determined by the Director of the OEPA. All other substances shall be limited to the standards - associated with each designated use, as outlined in Rules 3745-1-07 and -08 of the Ohio Administrative Code. Areas that do not meet general water quality standards as defined in Rules 3745-1-07 and -08 of the Ohio Administrative Code shall not be degraded as stated above for all such classified areas. The following is a partial list of State and National Resource Waters"

Oklahoma[33]

The intent of the Anti-degradation Policy is to protect all waters of the State from quality degradation. Existing instream water uses shall be maintained and protected. No further water quality degradation which would interfere with or become injurious to existing instream water uses shall be allowed. Oklahoma's waters constitute a valuable State resource and shall be protected, maintained and improved for the benefit of all the citizens.

It is recognized that certain waters of the State possess an existing water quality which exceeds those levels necessary to support propagation of fish, shellfish, wildlife, and recreation in and on the water. These high quality waters shall be maintained and protected unless the State decides, after full satisfaction of the intergovernmental coordination, and public participation provisions of the State's continuing planning process, to allow lower water quality as a result of necessary and justifiable economic or social development. Furthermore, where limited degradation is justified, the State shall require that any new point-source of pollution or increased load from an existing point-source, protect all the existing designated uses through the

State

Oklahoma (con't)

highest statutory and regulatory requirements, and feasible management or regulatory programs pursuant to Section 208 of Public Law 92-500 as amended by PL95-217 for non-point sources.

No degradation shall be allowed in high quality waters which constitute an outstanding national resource, such as waters of National and State Parks and Wildlife Refuges, and waters of exceptional recreational or ecological significance.

In those cases where potential water quality impairment associated with a thermal discharge is involved, the anti-degradation policy and implementation method shall be consistent with section 316 of Public Law 92-500.

Oregon[34]

Existing high quality waters which exceed those levels necessary to support propagation of fish, shellfish and wildlife and recreation in and on the water shall be maintained and protected, unless the Environmental Quality Commission chooses, after full satisfaction of the intergovernmental coordination and public participation provisions of the continuing planning process, to lower water quality for necessary and justifiable economic or social development. The Director, or his designee, may allow water quality on a short-term basis in order to respond to emergencies, or to otherwise protect the public health and welfare. In no event, however, may degradation of water quality interfere with or become injurious to the beneficial uses of water within surface waters of the following areas.

A. National Parks

B. National Wild and Scenic Rivers

C. National Wildlife Refuges

D. State Parks

Point source discharges shall follow policies and guidelines (1), (2), and (3), (to be renumbered (2), (3), and (4), and nonpoint source activities shall follow guidelines (4), (5), (6), (7), and (8), (to the renumbered (5), (6), (7), (8), and (9).

As a source of reference, the existing policies and guidelines from (1) through (8) are presented in full as follows:

"Policies and Guidelines Generally Applicable to All Basins

State

Oregon (con't)

"340-41-026 (1) In order to maintain the quality waters in the State of Oregon, it is the policy of the EQC to required that growth and development be accomodated by increased efficiency and effectiveness of waste treatment and control such that measurable future discharged waste loads from existing sources do not exceed presently allowed discharged loads unless otherwise specifically approved by the EQC.

"(2) For any new waste sources, alternatives which utilize reuse or disposal with no discharge to public waters shall be given highest priority for use whereever practicable. New source discharges may be approved by the Department if no measurable adverse impact on water quality or beneficial uses will occur. Significant or large new sources must be approved by the Environmental Quality Commission.

"(3) No discharges of wastes to lakes or reservoirs shall be allowed without specific approval of the EQC.

"(4) Log handling in public waters shall conform to current EQC policies and guidelines.

"(5) Sand and gravel removal operations shall be conducted pursuant to a permit from the Division of State Lands and separated from the active flowing stream by a watertight berm wherever physically practicable. Recirculation and reuse of process water shall be required wherever practicable. Discharges when allowed, or seepage or leakage losses or public waters shall not cause a violation of water quality standards or adversely affect legitimate beneficial uses.

"(6) Logging and forest management activities shall be conducted in accordance with the Oregon Forest Practices Act so as to minimize adverse effects on water quality.

"(7) Road building and maintenance activities shall be conducted in a manner so as to keep waste materials out of public waters and minimize erosion of cut banks, fills, and road surfaces.

"(8) In order to improve controls over nonpoint sources of pollution, federal, state, and local resource management agencies will be encouraged and asisted to coordinate planning and implementation of programs to regulate or control runoff, erosion, turbidity, stream temperature,

State	
Oregon (con't)	stream flow, and the withdrawal and use of irrigation water on a basin wide approach so as to protect the quality and beneficial uses of water and related resources. Such programs may include, but not be limited to, the following: (a) Development of projects for storage and release of suitable quality waters to augment low stream flow. (b) Urban runoff control to reduce erosion. (c) Possible modification of irrigation practices to reduce or minimize adverse impacts from irrigation and return flows. (d) Stream bank erosion reduction projects."
Pennsylvania[35]	Not Specified
Rhode Island[36]	Discharges Shall Not Violate Water Quality Standards - No person shall discharge into any waters of the State sewage or other waste which the director determines would result in the violation of any State water criterion assigned to the receiving waters or to down stream waters pursuant to subsection 6.03 and 6.04 of these regulations. Discharges Shall Not Further Degrade Low Quality Waters - No person shall discharge into any waters of the State sewage or other waste which the director determines would result in the additional degradation of any water quality criterion of the receiving waters or downstream waters which is already below the water quality standard assigned to such waters. Discharges Shall Not Degrade High Quality Waters - No person shall discharge into any waters of the State sewage or other waste which the director determines would result in the degradation of any water quality criterion of the receiving waters or downstream waters whose quality is higher than the minimum required by the water quality standards assigned to such waters. Class A and SA Waters - No new discharges shall be permitted into Class A or SA waters or into waters designated Class B, C, D, SB or SC which have attained Class A or SA quality. For purposes of this subsection, new discharges shall be construed to include potential direct discharges from POTW's or from vessels in marinas.

State

Rhode Island (con't)

This subsection shall not apply to discharges of normal storm/water drainage nor to cooling water which the director determines will not violate water quality criteria for Class A or SA waters.

Class B and SB Waters - In the case of discharges to Class B or Class SB waters, the director may recognize, where appropriate, a limited mixing zone on a case-by-case basis. Due to the potential direct discharge from systems or means of wastewater treatment, mixing zones in Class B waters shall support only Class C uses. However, such discharges must meet the water quality criteria for Class B or SB waters, the requirements of subsection 7.03 for higher quality waters and the effluent limitations of Section 8.

This subsection shall not apply to discharges of normal storm/water drainage nor to cooling water which the director determines will not violate water quality criteria for Class B or SB waters.

Class SAm waters - Class SAm waters are those waters meeting all Class SA water quality criteria but which uses are restricted due to the presence of marinas. In addition, the director may impose other requirements he deems necessary to protect water quality, the public health and welfare, and the environment, including, but not limited to:

1. On-shore toilet and/or shower facilities;

2. Prohibition of overnight stays aboard vessels in marinas;

3. The posting of any of these requirements.

Antidegradation and Upgrading of Water Quality Standards - Any water uses being achieved shall be maintained. Where existing water use classifications specify water uses less than those which are presently being achieved, the director shall propose to the E S B that it upgrade the classification of the waters in question to reflect the uses actually being attained. Reclassification of SA waters to SAm shall not be considered to be a downgrading of water quality standards or loss of water use.

South Carolina[37]

Waters whose existing quality is better than the established standards will not be lowered in quality unless and until it has been affirmatively demonstrated to the South Carolina Board of Health and Environmental Control that such change is justifiable as a result of necessary economic or

State	
South Carolina (con't)	social development and will not interfere with or become injurious to any assigned uses made of such waters. Any industrial, public or private project or development which could constitute a new source of pollution or an increased source of pollution to high quality waters will be required by the South Carolina Depatment of Health and Environmental Control as part of the initial project design to insure a treatment level consistent with applicable State/Federal laws, rules and regulations. In implementing the policy of this paragraph, the Administrator of the Environmental Protection Agency will be advised and provided with such information as he wil need from time to time to protect the interests of the United States and maintain the high quality of waters of that state.
South Dakota[38]	Not Specified
Tennessee[39]	(a) The Standards and Plan adopted are designed to provide for the protection of existing water quality and/or the upgrading or "enhancement" of water quality in all waters within Tennessee. It is recognized that some waters may have existing quality better than established standards. The latest edition of Quality Criteria for Water published by the Environmental Protection Agency pursuant to Section 304(a) of the Federal Water Pollution Control Act (PL 92-500), and other documents as specified by the Commissioner of the Tennessee Department of Public Health and the Water Quality Board shall be used as guides in determining standards of minimum water quality outside of those specifically listed in this document. (b) The Criteria and Standards shall not be construed as permitting the degradation of these higher quality waters when such can be prevented by reasonable pollution control measures. In this regard, existing high quality water will be maintained unless and until it is affirmatively demonstrated to the Tennessee Water Quality Control Board that a change is justifiable as a result of necessary social and economic development. (c) All discharges of sewage, industrial waste, or other waste shall receive the best practicable treatment (secondary or the equivalent) or control according to the policy and procedure of the Tennessee Water Quality Control Board. A degree of treatment greater than secondary when necessary to protect the water uses will be required for selected sewage and waste discharges.

State	
Tennessee (con't)	(d) In implementing the provisions of the above as they relate to interstate streams, the Tennessee Water Quality Control Board will cooperate with the appropriate Federal Agency in order to assist in carrying our responsibilities under the Federal Water Pollution Control Act, as amended.
Texas[40]	In implementing the legislative policy expressed in the Texas Water Quality Act, it is the policy of the Texas Water Quality Board that the waters in the State whose existing quality is better than the applicable water quality standards described herein as of the date when these standards become effective will as provided hereafter be maintained at their high quality, and no waste discharges may be made which will result in the lowering of the quality of these waters unless and until it has been demonstrated to the Texas Water Quality Board that the change is justifiable as a result of desirable economic or social development. Therefore, the Board will not authorize or approve any waste discharge which will result in the quality of any of the waters in the State being reduced below the water quality standards without complying with the Federal and State laws applicable to the amendment of water quality standards. Anyone making a waste discharge from any industrial, public or private project or development which would constitute a new source of pollution or an increased source of pollution to any of the waters in the State will be required, as part of the initial project design to provide the highest and best degree of waste treatment available under existing technology consistent with the best practice in the particular field affected under the conditions applicable to the project or development. The Board will keep the Environmental Protection Agency informed of its activities and will furnish to the agency such reports in such form, and containing such information as the Administrator of the Environmental Protection Agency may from time to time reasonably require to carry out his functions under the Water Pollution Control Act Amendments of 1972. Additionally, the Board will consult and cooperate with the Environmental Protection Agency on all matters affecting the federal interest.
Utah[41]	Maintenance of Water Quality — Waters whose existing quality is better than the established standards for the designated uses will be maintained at high quality unless it is determined by the Committee that a change is justifiable as a result of necesary economic or social development. However, existing instream water uses shall be

State

Utah (con't)

maintained and protected. No water quality degradation is allowable which would interfere with or become injurious to existing instream water uses.

Anti-degradation Segments — Waters of high quality which serve, or which may be reasonably expected to serve, as raw water sources for drinking water supplies or which have been determined by the Committee to be a State or National resource requiring protection shall be maintained at existing high quality through designation, by the Committee after public hearing, as anti-degradation segments. New Point source discharges of wastewater, treated or otherwise, are prohibited in such segments after the effective date of designation. Protection of such segments from pathogens in diffuse, underground sources is covered in PARTS IV and V of these regulations. Other diffuse sources (non-point sources) of wastes shall be controlled to the extent feasible through implementation of best management practices or regulatory programs.

Projects such as, but not limited to, construction of dams or roads will be considered in anti-degradation segments on a case-by-case basis where pollution will result only during the actual construction activity, and where best management practices will be employed to minimize pollution effects.

Vermont[42]

Certain waters of the State of Vermont are of a quality which exceeds the standards of their assigned classification. The quality of such waters shall be maintained in the public interest as provided in the Act and in these regulations. To accomplish this objective after May 27, 1971, all proposed new or increased discharges of wastes to such waters must be compatible with the uses and technical requirements applicable to the assigned water quality classification and must receive the highest practical degree of treatment currently available.

In implementing this policy, the Administrator of the United States Environmental Protection Agency shall be provided with such information as that office will need to discharge its responsibilities under the Federal Water Pollution Control Act as amended.

Discharges Restricted - Class A Waters:
There shall be no discharge of wastes to Class A waters that do not meet or exceed the technical and other requirements for such waters nor shall there by any discharge of wastes containing any form of nutrients which would encourage eutrophication or growth of weeds or algae.

State

Vermont (con't)

Discharges of wastes of a domestic origin or of wastes which contain pathogenic organisms prior to treatment, shall not be permitted in Class A waters regardless of the degree of treatment provided.

Discharges Restricted - Class B Waters:
There shall be no discharge of wastes to Class B waters that do not meet or exceed the technical and other requirements for such waters. Discharges of wastes of a domestic origin or of wastes which contain pathogenic organisms prior to treatment, shall not be permitted in Class B waters regardless of the degree of treatment provided.

There shall be no new or increased discharge of wastes after May 27, 1971 containing any form of nutrients which would encourage eutrophication or growth of weeds and algae in any lake, pond or reservoir. Any discharge of wastes existing prior to May 27, 1971 containing soluble or other nutrients which would encourage eutrophication or growth of weeds and algae in any lake, pond or reservoir shall receive the highest practical degree of treatment currently available to remove such nutrients.

Discharges Restricted - Upland Streams:
Upland streams are those Class A or Class B rivers, streams brooks and creeks upstream of the most upstream discharge of wastes from an existing municipal wastewater treatment facility, or of a municipality or community dicharging wastes requiring treatment in a manner to be approved by the Secretary, or upstream of such other point as may be determined after public hearing by the Water Resources Board to be in the public interest.

After December 20, 1973 there shall be no new or increased discharges to upland streams of any treated or untreated domestic, sanitary, commercial or industrial wastes, nor shall there be any new or increased discharge of any other wastes which would degrade in any respect the quality of the receiving waters. Where technically feasible, existing discharges of such wastes to upland streams shall be eliminated by utilizing offstream disposal techniques.

Where offstream disposal of discharges to upland streams of treated or untreated domestic, sanitary, commercial or industrial wastes existing prior to December 20, 1973 is determined to be technically infeasible, the Secretary may impose requirements to reduce the degradation of the

State	
Vermont (con't)	receiving waters and grant temporary authorization to continue discharging such wastes in accordance with the provisions of Section 1265 10 V.S.A. provided that the Secretary thereafter recommends to the Board that the upland stream designation of the receiving waters be removed and that such waters be reclassified in accordance with the provisions of Section 1253 of Title 10 V.S.A. as necessary. This rule shall not apply to the discharge of surface stormwater after treatment for removal of settleable and floatable materials, including grease and oil, and such other treatment as may be required by the Secretary to protect the quality of the receiving waters in accordance with applicable State statutes and these regulations.
Virginia[43]	Waters whose existing quality is better than the established standards as of the date on which such standards become effective will be maintained at high quality; provided that the Board has the power to authorize any project or development, which would constitute a new or an increased discharge of effluent to high quality water, when it has been affirmatively demonstrated that a change is justifiable to provide necessary economic or social development; and provided, further, that the necessary degree of waste treatment to maintain high water quality will be required where physically and economically feasible. Present and anticipated use of such waters will be preserved and protected.
Washington[44]	(a) It shall be the intent of this policy that existing beneficial uses shall be maintained and protected and no further degradation which would interfere with or become injurious to existing beneficial uses will be allowed. (b) No degradation will be allowed of waters lying in national parks, national recreation areas, national wildlife refuges, national scenic rivers, and other areas of national ecological importance. (c) Whenever receiving waters of a classified area are of a higher quality than the criteria assigned for said area, the existing water quality shall be protected and waste and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except, in those instances where: (i) It is clear that overriding considerations of the public interest will be served, and

State

Washington (con't)

(ii) All wastes and other materials and substances proposed for discharge into the said waters shall be provided with all known, available, and reasonable methods of treatment before discharge,

(d) Whenever the natural conditions of said waters are of a lower quality than the criteria assigned, the natural conditions shall constitute the water quality criteria.

(e) The criteria established in WAC 173-201-045 may be modified for a specific water body on a short-term basis when necessary to accommodate essential activities, respond to emergencies, or to otherwise protect the public interest. Such modification shall be issued in writing by the director or his designee subject to such terms and conditions as he may prescribe.

(f) In no case, will any degradation of water quality be allowed if this degradation interferes with or becomes injurious to existing water uses and causes long-term and irreparable harm to the environment.

(g) It shall be the policy of the state of Washington that no waste discharge permit be issued which will violate established water quality criteria for the said waters, except, as provided for under WAC 173-201-035(8)(e).

West Virginia[45]

Waters will not be lowered in quality, with respect to all established criteria unless and until it has been affirmatively demonstrated to the Chief of the Division of Water Resources, Department of Natural Resources, that such change is justifiable as a result of necessary development and will not interfere with or become injurious to any present or future assigned uses of such waters. In special cases where the facts warrant, more stringent standards or exceptions thereto may be established. In implementing the policy of this paragraph, the Administrator of the Environmental Protection Agency will be kept advised and provided with such information as he will need from time to time to protect the interests of the United States and the authority of the Administrator in maintaining high quality of State waters.

Wisconsin[46]

No waters of the state shall be lowered in quality unless it has been affirmatively demonstrated to the department that such a change is justified as a result of necessary economic and social development provided that no new or increased effluent interferes with or becomes injurious to any assigned uses made of or presently possible in such waters.

State	
Wyoming[47]	Public Water Supply - All Wyoming surface waters which are used as public water supplies shall be maintained at such quality that, after conventional water treatment, the treated water will meet the most recent Federal Primary Drinking Water Standards published by the EPA or its successor agency. Degradation of such waters shall not be of such an extent to cause significant increase in raw water treatment costs to the public water supplier. Industrial Water Supply - All Wyoming surface waters which are used for industrial purposes shall be maintained at a quality which allows continued use of such waters for industrial purposes. Degradation of such waters shall not be of such an extent to cause significant increase in raw water treatment costs to the industrial user(s). Agricultural Water Supply - All Wyoming surface waters which are used for agricultural purposes shall be maintained at a quality which allows continued use of such waters for agricultural purposes. Degradation of such waters shall not be of such an extent to cause significant decrease in crop or livestock production.
American Samoa[E]	Waters whose existing quality is better than the established standards as of the date on which such standards become effective will be maintained at their existing high quality. These and other waters of the Territory will not be lowered in quality unless and until it has been affirmatively demonstrated to the Environmental Quality Commission and the U. S. Environmental Protection Agency (EPA) that such change is justifiable as a result of necessary economic or social development and will not interfere with or become injurious to any assigned uses made, or presently possible, in such waters. Any industrial, public or private project or development which would constitute a new source of pollution or an increased source of pollution to high quality waters is required, as part of the initial project design, to provide the highest and best degree of waste treatment available. In implementing this policy, the Commission shall keep the Administrator of the Environmental Protection Agency advised and shall provide him with such information to discharge his responsibilities under the Federal Water Pollution Control Act, as amended.

State

District of Columbia[48]

1. The following Antidegradation Policy is adopted for the interstate waters of the District of Columbia:

A. For all stream sections of interstate waters of the District of Columbia, existing instream water uses shall be maintained and protected. No further water quality degradation which would interfere with or become injurious to existing instream water uses is allowable.

B. Limited degradation is justifiable only to provide necessary economic or social growth. In considering if any degradation of an interstate water is justifiable to provide necessary economic or social growth, regardless of present water quatility, a public hearing shall be held to solicit citizen and local government views and recommendations on the evaluation.

C. If limited degradation is allowed, it cannot result in violation of water quality criteria that describe the base levels necessary to sustain the national water quality goal uses of protection and propagation of fish, shellfish, and wildlife and recreation in and on the water.

D. To accomplish the objectives of this Antidegradation Policy, all existing and new sources of pollution will be required to provide the best practicable degree of waste treatment to maintain and/or improve the water quality of the receiving stream.

E. In those cases where potential water quality impairment associated with a thermal discharge is involved, the Antidegradation Policy and implementing methods shall be consistent with section 316 of P. L. 92-500.

2. The following Antidegradation Policy is adopted for Rock Creek in the District of Columbia because of the special status of those waters and Rock Creek Park:

The waters of portions of Rock Creek in the District of Columbia are the highest quality waters now present in the District of Columbia. Rock Creek traverses Rock Creek Park, a National Park established by Congress for the enjoyment of all citizens of the United States and entrusted to the Department of the Interior "to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the

State	
District of Columbia (con't)	same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations" and to the National Park Service to preserve from injury or spoliation all timber, animals and curiosities within the park area including Rock Creek and to retain them in their natural condition, as nearly as possible. The waters of Rock Creek are waters of exceptional recreational significance because they constitute the only naturally-flowing, easily accessible high quality waters in the District of Columbia in a park setting. The National Capital Planning Commission, the central planning agency for the Federal Government in the Washington Metropolitan Area, has directed that the essential integrity of Rock Creek Park as the principal natural park within the District of Columbia be protected and that under no circumstances should the park be invaded by developments which would threaten its future as a park of the first order. For these reasons, no degradation shall be allowed in the waters of Rock Creek in the District of Columbia.
Guam[F]	Waters whose existing quality was better than the established standards, as of April 1968, will be maintained at the same high quality existing at that time. Waters whose existing quality is less than the established standards for their use due to the presence of substances, conditions, or combinations thereof attributable to domestic, commercial and industrial discharges or agricultural, construction and other land-use practices, shall be improved to comply with the established standards. Waters will not lowered in quality unless and until it has been affirmatively demonstrated to the Board of Directors of the Guam Environmental Protection Agency that such a change is justifiable as a result of necesary social, environmental, or economic development and will not interfere with or become injurious to any uses made of, or potentially possible, in such waters. Any industrial, public or private project or development, which would constitute a new or increased source of pollution, will require, as part of the initial project design, provision for the pollutant removal or control technology necessary to protect the designated use of receiving waters or maintain the existing high quality of the receiving waters.
Puerto Rico[49]	Waters, whose existing quality as of the effective date of these Regulations, is better than the standards established herein will be maintained at such quality. These and other waters of the Commonwealth will not be lowered in quality

State	
Puerto Rico (con't)	unless it has been affirmatively demonstrated to the Board that such a change is justified as a result of necessary economic or social development and will not interfere or become injurious to any assigned uses made of, or presently possible in, such waters. This will require that any industrial, public or private project, or development which would constitute a new source of pollution, or a modified source of pollution, to a high quality water body, possess as a part of the initial project design the best practicable control technology currently available. This decision of the Board shall be preceded by adequate public notice.
Trust Territories[G]	Waters whose existing quality is better than the established standards as of the date on which such standards become effective will be maintained at their existing high quality. These and other waters of the Territory will not be lowered in quality unless and until it has been affirmatively demonstrated to the Environmental Protection Board or its designee, and the Administrator of the Environmental Protection Agency that such change is justifiable as a result of necessary economic or social development and will not interfere with or become injurious to any assigned uses made of, or presently possible, in such waters. Any industrial, public or private project or development which would constitute a new source of pollution or an increased source of pollution to high quality waters will be required, as part of the initial project design, to provide the highest and best degree of waste treatment available under existing technology.
Virgin Islands[H]	Waters whose existing quality is better than the established standards as of the date on which such standards become effective will be maintained at their existing high quality. These and other waters of the Virgin Islands will not be lowered in quality unless and until it has been affirmatively demonstrated to the Territory's water pollution control agency and the Environmental Protection Agency that such change is justifiable as a result of necessary economic and social development and will not interfere with or become injurious to any assigned uses made of, or presently possible in such waters. Any industrial, public or private project or development which would constitute a new source of pollution to high quality waters will be required as part of the initial project design, to provide the highest and best practicable degree of waste treatment available under existing technology, and since these are also Federal Standards, these waste treatment requirements will be developed cooperatively.

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