

Presented below are water quality standards that are in effect for Clean Water Act purposes.

EPA is posting these standards as a convenience to users and has made a reasonable effort to assure their accuracy. Additionally, EPA has made a reasonable effort to identify parts of the standards that are not approved, disapproved, or are otherwise not in effect for Clean Water Act purposes.

ATTACHMENT B

The following provisions of the Process for Reclassifying the Designated Uses of Florida Surface Waters, FDEP, June 2010, DEP-SAS-001/10 document were determined to be new or revised water quality standards.

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Attainable use: The present and future most beneficial use that can reasonably be attained in a waterbody. In this document, the attainable use is determined by conducting the reclassification process described in this document, which evaluates whether the use is established and whether protective criteria can practicably be met. "Attainable uses" are, at a minimum, the uses (based on the State's system of water use classifications) that can be achieved (1) when effluent limits under sections 301(b)(1)A and (B) and section 306 of the Federal Clean Water Act are imposed on point source dischargers and (2) when cost-effective and reasonable best management practices are imposed on nonpoint source dischargers.

Highest attainable use: Used synonymously with the term "attainable use." EPA's "Vision for the Water Quality Standards Programs," states that "[e]ach waterbody in the United States will have a clear, appropriately comprehensive suite of standards that defines its highest attainable uses and the water quality required to support the uses."

Natural Surface Waters: Waterbodies that, in their undisturbed state, originally were all or part of the Atlantic Ocean, Gulf of Mexico; a bay, bayou, sound, estuary, or lagoon, including natural channels and natural tributary thereto; a river, stream, or natural tributary thereto; a natural lake; and any natural wetland connected to any of the above waters.

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If a use has been changed, DEP must review that use change every three years during the Triennial Review of State water quality standards (Triennial Review) to ensure that the waterbody cannot attain a Class III default use.

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For example, drinking water consumption would be considered a use if proper permits (both consumptive use permits and permits for public drinking water systems) have been issued for community consumption and water quality is sufficient for the use, but would not be considered a use in the case of incidental use by individuals consuming the water without treatment.

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The petition shall describe the geographic boundaries of the portion of the waterbody to be reclassified, and take into account any permitting requirements for existing permitted entities upstream. For addition of a drinking water use, the boundaries shall include the upstream extent necessary to protect the drinking water supply. For addition of shellfishing use, the boundaries are typically the area of shellfishing use.

For a waterbody to be considered for reclassification as a drinking water source (Class I), the petitioner must show that the water quality meets the Class I criteria in Rule 62-302.530, F.A.C., or can meet them after conventional treatment.

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To downgrade a use to Class III-Limited for recreation, the petitioner must show that full body contact recreation is precluded due to sufficiently shallow water or some other condition, and also must provide information showing that human recreational use is limited. The EPA Water Quality Handbook allows for physical factors, such as depth, to be considered for reclassification purposes, as long as additional use related information is also considered. Naturally ephemeral or intermittent flows would generally not provide sufficient depths or persistence of water for primary contact use recreation. If a waterbody is less than 0.5 meter deep on average during normal flows and less than 1 meter deep in pools, it is not likely that full contact recreation (*i.e.*, swimming) is possible. The general unavailability of water, coupled with the physical limitations to exposure of mucus membranes in such waters, is strong evidence that full body contact is neither existing nor attainable.

The petitioner must also propose defensible site specific bacteria criteria to protect incidental contact with the water. However, EPA does not currently support revisions of the fecal coliform criteria, and any SSAC for limited recreational use must be based on *E. coli* or *Enterococci*.

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If water quality of an aquatic system has not been sufficient from November 28, 1975 to the present to support as diverse an aquatic community as associated with its designated use, it is likely that the water quality in the waterbody still supports or has supported some other, presumably less diverse community of organisms, and this community should be protected by any new designated use.

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Whether a waterbody is publicly or privately owned, responsible entities can be point or nonpoint sources. Attainment of water quality standards is not limited to controls placed on point sources. Water quality standards apply to nonpoint sources despite the fact that there may be no direct implementation mechanisms for some nonpoint sources, except for nonpoint sources addressed in Basin Management Plans associated with TMDLs. Although pollution control approaches used by nonpoint sources may differ substantially from approaches typically employed by point sources, analysis of the ensuing economic impacts still depends on whether the entity providing the pollution is privately or publicly owned.

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All sources of impairment to a waterbody must be addressed in the UAA. However, the emphasis on each source of impairment might differ, depending on the amount of impairment contributed by each source. If a single cause of impairment completely overshadows the effects of smaller sources, and modeling indicates that remediating the smaller sources of impairment would not result in a measurable increase in water quality, then the petitioner does not need to consider the costs to remediate for the smaller source for purposes of the economic analysis.

As stated earlier, the time period for determining economic impacts influences the outcome of the analysis. DEP recommends that, in general, a longer time frame of 10-15 years be used in the analysis to allow for technological advances and/or increasing economic growth in the local area to be considered when calculating future attainability, unless the petitioner can justify the use of a shorter time period.