



PO Box 16206  
Savannah, GA 31416  
Phone/Fax: 866-942-6222

[www.ogeecheeriverkeeper.org](http://www.ogeecheeriverkeeper.org)  
*Working Together to Protect the Ogeechee, Canoochee and Coastal Rivers*

March 14, 2024

**Via E-Mail**

Georgia Environmental Protection Division  
Watershed Protection Branch, Watershed Planning and Monitoring Program  
2 Martin Luther King, Dr., Atlanta, GA 30334  
Suite 1407A, Tower 2  
Attn: Susan Salter

**Re: Draft Georgia 2024 305(b)/303(d) List Documents**

Dear Ms. Salter:

Ogeechee Riverkeeper's (ORK) mission is to protect, preserve, and improve the water quality of the Ogeechee River basin, including the Canoochee River and the coastal and tidal rivers of Liberty, Bryan, and Chatham Counties. ORK works with local communities to share and collect information on the ecological and cultural importance of rivers and streams throughout the Basin, and use that information to amplify the voices of those who speak for the watershed. Central to ORK's is to ensure that water quality rules and standards that apply in our basin are fully supportive, carefully assessed, properly protective, and, where needed, successfully restored to support all beneficial uses of the waters.

ORK offers these comments on the 2024 draft 305(b)/303(d) List Package proposed by the Georgia Environmental Protection Division (EPD). Our comments focus on the EPD's approach to assessing rivers and streams where "natural water quality" is a consideration factor. In particular, EPD must explain how it has made its 'naturally low' determinations for specific water body segments. Additionally, EPD should apply the current water quality standards to all water body segments and not withhold listing for promised future rulemakings that have not yet occurred for all listing decisions.

**Waters Determined to Have Naturally Low DO and pH - Explanation and Justification Needed**

More information is needed to justify how EPD determined the specific water body segments listed were determined to have naturally low dissolved oxygen (DO) and pH. The information provided in the List Package does not sufficiently explain the scientific basis for how these determinations were made and how the EPD is assured that these water body segments are supporting their designated beneficial uses. ORK asks for more concrete, scientifically-based justifications for the determinations made here and in future "natural water quality" determinations.

While the “Summary of Listing Decisions for the 2024 305(b)/303(d) List of Waters” document does discuss “natural water quality,” the explanations there are not ground in science and do not justify how EPD is assured that the designated beneficial uses are being met. In the ‘Assessment of Waters Based on “Natural Water Quality”’ section, EPD explains why certain waters are being assessed differently, but does little to explain its justifications. Here, EPD explains that for pH, water body segments that have “been identified as a blackwater stream” that do not have any “point source or land use issues that may be contributing to the low pH measured in the stream” are not listed as impaired. However, no citations to scientific research, EPD reports, or other justification are made to show how EPD is assured that these “natural” low pH levels are supporting the beneficial uses.

Further, even less information is provided for the dissolved oxygen (DO) determination. In the ‘Assessment of Waters Based on “Natural Water Quality”’ section, EPD simply states that when “it was determined that that cause [of low DO] was likely due to natural conditions versus a human caused condition,” the water body segment was not listed as not supporting their designated beneficial uses. However, no explanation of that determinations are explicitly provided in the List Package’s documents. The only explanations provided are quick citations to other documents in the “Draft 2024 Integrated 305(b)/303(d) List - Streams” document, some of which are over 20 years old,<sup>1</sup> with no further general explanation.

ORK asks that EPD clearly explain how it is reassured that these water body segments’ “natural water quality” are supporting their designated beneficial uses. These explanations should be rooted in sound science, show that the most vulnerable uses are still protected, and at what degree the beneficial uses are no longer sufficiently protected.

#### Assessment Methodologies D.1.a.3 (DO) and D.1.b.2 (pH) for Making Use Support Decisions - Remove

Under Georgia’s currently applicable water quality standards, the listing methodologies for dissolved oxygen (DO) and pH do not properly determine the status of water body segments. In the context of the “natural water quality” segments, sufficient data and information exists to determine whether the applicable numeric water quality standards are being achieved. Until the Georgia Department of Natural Resources proposes and promulgates new rules, the water quality standards are applicable and should be applied. As such, the “natural” dissolved oxygen and pH listing methodologies should not be included, and those water body segments should be listed as not supporting its designated beneficial use. ORK calls on EPD to provide the full picture of water quality status of all waters throughout Georgia under the state’s current water quality laws.

EPD should not place these “natural water quality” segments in Category 3. In its 2024 List Package, EPD included a number of water body segments in the Category 3 “Assessment Pending” category. In the “Summary of Listing Decisions for the 2024 305(b)/303(d) List of Waters” document, EPD explains that this category is meant for situations “when there is insufficient data or information to make an assessment on whether the water is meeting its designated use(s).” However, data is not the issue - monitoring data for both DO and pH are known for the water body segments added to this category related to “natural water quality.”

---

<sup>1</sup> See, e.g., GAR031102010103 for Greasy Branch (Suwanee Basin), citing “TMDL completed DO 2001”; GAR030702020402 for Boggy Creek (Satilla Basin), citing “TMDLs completed DO (2001)...”; GAR030702040602 for Boone Creek (St. Marys Basin), citing “TMDL completed DO 2001.”

Further, for DO, EPD states that “water quality data indicated that the DO criteria were not being met...,” clearing showing sufficient data existing. Where water quality criteria exist, as they do for DO and pH, those measures indicate whether the beneficial uses are being supported. Water quality criteria are set to ensure that the most vulnerable beneficial uses are protected. Therefore, when a water body segment does not meet water quality criteria requirements, it is not supporting its beneficial use. And because sufficient data and information exists to make that assessment, these particular segments should not be placed in Category 3.

In the “Georgia’s 2024 305(b)/303(d) Listing Assessment Methodology” document, the listing methodologies refer to GAC 391-3-6-.03(7) in justifying the placement of these “natural water quality” segments into Category 3. While this provision does state that certain waters “may have a quality that will not be within the general or specific requirements” (emphasis added) the actual “natural conditions” have yet to be defined. GAC 391-3-6-.03(3)(i) defines “natural conditions” as “the collection of conditions for a particular waterbody used to develop numeric criteria for water quality standards,” and directs the EPD and/or the Director to develop these conditions through “an examination of historic data, comparisons to reference watersheds, application of mathematical models, or any other procedure deemed appropriate.” This has yet to occur, as noted in Listing Methodology D.1.a.3.<sup>2</sup>

The result is that water body segments that are not supporting their designated beneficial use are being left off of the Integrated 305(b)/303(d) list. This means that these lists are not truly reflective of the water quality status of the state. Georgia’s currently EPA-approved water quality standards are what should be reported to the EPA in this integrated report. Because sufficient data and information exist to determine whether beneficial uses are being met under current water quality laws, EPD should remove Listing Methodologies D.1.a.3 and D.1.b.2 from its Assessment Methodology and then list the Category 3 water body segments awaiting “natural water quality” criteria as “not supporting” their designated beneficial uses.

Thank you in advance for your time and consideration. If you have any questions regarding this letter, please contact [ben@ogeecheeriverkeeper.org](mailto:ben@ogeecheeriverkeeper.org).

Ben Kirsch, Legal Director  
Ogeechee Riverkeeper

---

<sup>2</sup> “If a waterbody does not meet the DO criteria more than 10% of the time and the waterbody is located in an area of the State where it is anticipated the low dissolved oxygen condition is natural, then EPD will place the waterbody in Category 3 until work is completed that establishes the “natural” dissolved oxygen concentration for the waterbody.” (emphasis added). Georgia’s 2024 305(b)/303(d) Listing Assessment Methodology. At page 13.