



Introduction to Antidegradation

Special points of interest:

- What is antidegradation?
- What do federal regulations require?
- How does the antidegradation policy and implementation procedure work?
- When does the antidegradation policy apply?

What is antidegradation?

Antidegradation refers to federal regulations designed to maintain and protect high quality waters and existing water quality in other waters from unnecessary pollution.

What do federal regulations require?

The Iowa Department of Natural Resources is required through the federal regulations, to adopt an antidegradation policy and implementation procedure that will ensure that Iowa's waters are protected from activities which have the potential to lower water quality (see Code).

How does an antidegradation policy and implementation procedure work?

States and Tribes, including Iowa, are required to establish a three- tiered antidegradation policy and implementation procedure. The specific steps to be followed depend upon which tier or tiers of antidegradation apply.

- *Tier 1* maintains and protects existing uses of a waterbody and the water quality conditions necessary to support such uses.
- *Tier 2* maintains and protects "high quality" waters - water bodies where existing conditions are better than necessary to support fishable/swimmable uses. Water quality can be lowered in such waters. However, state and tribal Tier 2 reviews identify procedures that must be followed and questions that must be answered before a reduction in water quality can be allowed. Analysis would include looking at less degrading or no degrading alternatives that are technically and economically feasible and what the social and economic impact of this activity would have on the local community. In no case may water quality be lowered to a level which would interfere with existing uses.
- *Tier 3* maintains and protects water quality in outstanding national resource waters (ONRWs). Except in very limited circumstances, water quality cannot be lowered in such waters. ONRWs generally include the highest quality waters of the United States. However, the ONRW classification also offers special protection for waters of exceptional ecological significance, i.e., those which are important, unique, or sensitive ecologically.

Decisions regarding which water bodies qualify to be ONRWs are made by states and authorized tribes.

States and tribes may also consider a fourth tier, usually called *Tier 2.5*. This tier is designed to maintain and protect high quality waters which have state significance. Tier 2.5 is similar to Tier 3 in regard to how it may be implemented.

When does an antidegradation policy apply?

An antidegradation policy and implementation procedure will apply to new or expanded discharges or activities which are regulated through wastewater discharge permits and activities which require a state water quality certification.

Code of Federal Regulations Sec. 131.12

- (a) The State shall develop and adopt a statewide antidegradation policy and identify the methods for implementing such policy pursuant to this subpart. The antidegradation policy and implementation methods shall, at a minimum, be consistent with the following:
 - (1) Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.
 - (2) Where the quality of the waters exceed levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the State finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the State's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such degradation or lower water quality, the State shall assure water quality adequate to protect existing uses fully. Further, the State shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable best management practices for nonpoint source control.
 - (3) Where high quality waters constitute an outstanding National resource, such as waters of National and State parks and wildlife refuges and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected.
 - (4) In those cases where potential water quality impairment associated with a thermal discharge is involved, the antidegradation policy and implementing method shall be consistent with section 316 of the Act.