



STREAMGRAM

Explanation of Rules Proposing Whole Body Contact Designation for Classified Water Bodies

June 21, 2005

Hello Stream Teamers! You may have heard of this open public comment period, and we want you to get all the facts, not just bits and pieces. As contact person for your Stream Team, we ask that you share this notice with others on your Team as well as interested neighbors.

Upcoming revisions to the Missouri Water Quality Standards will require that over 22,000 miles of classified streams and over 293,000 acres of classified lakes be protected for swimming and other recreational uses, wherever attainable. This national initiative is commonly referred to as the 'fishable/swimmable' goal.

The Missouri Department of Natural Resources (DNR) has placed on public notice proposed amendments to the Effluent Regulations (10 CSR 20-7.015) and Water Quality Standards (10 CSR 20-7.031), as published in the May 2, 2005, Missouri Register.

The proposed rules clarify the "fishable/swimmable" use categories. A designated beneficial use of "**Whole Body Contact Recreation**" (WBCR) includes "activities in which there is direct human contact with the raw surface water to the point of complete body submergence." Water so designated is intended to be used for, but not limited to, swimming, water skiing or skin diving. The designated beneficial use of "Boating and canoeing" is proposed to be renamed, "**Secondary contact recreation**" (SCR). SCR use covers activities such as fishing, wading, boating, and other activities in which users do not swim or float in the water.

As mandated nationwide by the federal Environmental Protection Agency, Missouri proposes to assign the WBCR use to all classified waters, which translates to restrictions on the amount of bacteria that can be released into these water bodies.

The law provides a document called a **Use Attainability Analysis** (UAA), which is an analysis to either confirm or dispute the use of the stream for WBCR or other uses. It is simply a document that discusses what a stream is used for, not an avenue for a use to be "exempted" from the law as you may have heard from other sources. Many streams are used for swimming and tubing all summer long. It is important that the department know of this use so that any treatment facility discharging to that stream have advanced wastewater treatment (disinfection). However, some creeks are too shallow for swimming and are used for other purposes such as irrigation or merely drainage. It may not be imperative that wastewater treatment plants disinfect discharge going into these types of creeks. Note that the cost of disinfection will be passed on to those connected to the treatment facility.

Keep in mind that all wastewater treatment plants must provide a discharge (or effluent) that meets certain water quality criteria (through their required State Operating Permit). Also, all effluent must be tested regularly, for a variety of parameters, to insure that it is meeting these standards and therefore is not harmful to aquatic life in the stream. Although some bacteria is discharged in effluent, they do not live very long outside the body of warm-blooded animals and testing has shown that these bacteria are dead once they get about two miles downstream from the discharge point.

Who may complete a UAA? Anyone may perform a UAA and submit it to the department for review as a "comment" during the open public comment period. Performing a UAA will help determine whether or not recreational uses are present or attainable. The presence of recreational uses affects whether disinfection will be necessary at a facility. General comments confirming WBCR or SCR use are also welcome. Be sure to include when and where on the stream which types of uses occur. The comment could be in the form of a letter documenting use of the water body any time after November 1975. A letter could be sent to the Clean Water Commission, for example, stating that your family's been swimming and fishing on Green Creek on your property (give location) since the 1980s. Comments, whether they be a UAA or a letter, may either support or refute the designation. If you intend to conduct a UAA yourself, please contact the department (or visit Web site listed later) first to ensure one has not already been done on your stream.

Time Table:

- **July 6:** Public Hearing, Moberly; 9:00am at the Best Western Moberly Inn, 1200 Highway 24 East. (Any member of the public may submit written comments to the Clean Water Commission at that time, and/or may testify.)
- **July 14: Last chance to submit a UAA, supporting or refuting the assignment of WBC Recreation to a water body or water body segment.**
- July 25: By then, DNR will have posted on their Web site (and hard copies available), all the UAAs received during the comment period.
- **July 25 - August 24: Public will have time to review the comments DNR received prior to July 15, and can submit comments on the original comments (so you will still have a chance to review UAAs done on your stream after July 14!).**
- August 25 - August 31: DNR will process the new comments
- August 31: Findings will be posted by DNR
- September 7: Clean Water Commission meeting in St. Louis

What should you do? Not necessarily anything. You could find out if a UAA has been done, or is planned to be done, on your stretch of stream. If neither, than it will be automatically be assigned a WBCR use. If you review a UAA and/or the "Results of the Internal Review Committee" for your stream, and you have comments that disagree (or agree!) with the findings, feel free to submit comments to that fact. The UAAs and Committee's recommendations will be made available to the public as quickly as possible after completion. All UAAs must be submitted by July 14 and you will have the opportunity to review them and comment until August 24. If your letter is meant to specifically comment on a UAA already written on your stream (reference department Web sites below), be sure to make it clear which UAA you reference in your letter. The most useful comments are those that provide documentation for a specific site:

- 1.) actual use since November 1975 (e.g., "My grandkids swim here every summer."), and/or
- 2.) related to water depth criteria (pools that are at least 1 meter deep, or water an average of 0.5 meter deep).

To review the proposed rules as published in the Missouri Register, use this Web site, especially noting the bottom of page 842 through 845. Note that the language in brackets is what's proposed to be removed, while newly proposed language is in bold:

<http://www.sos.missouri.gov/adrules/moreg/current/2005/v30n9/v30n9c.pdf>

For further explanation of the UAA process, call us, or visit the Department's Web site, specifically at:
<http://www.dnr.mo.gov/wpscd/wpcp/wqstandards/uaa/index.html>

Here you can review press releases, the actual UAA protocol (which defines the process), and lists of waters targeted to have UAAs done, those already done (under "View completed UAAs listed by County"), and more.

Have questions or need assistance? This is complex stuff, so please contact Donna Menown (573-526-1595; donna.menown@dnr.mo.gov) for general questions, or Stacia Bax (573-526-7838; stacia.bax@dnr.mo.gov) for specific questions. Even if you just need help navigating the Web sites, or if you don't have Web or e-mail access and you need help by other means, feel free to contact us.

Comments (including UAAs) should be sent to:

Attn: Marlene Kirchner
Clean Water Commission
Mo. Dept. of Natural Resources
PO Box 176
Jefferson City MO 65102-0176

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As always, thanks for your interest in Missouri streams!