

## Antidegradation Policy by state AM

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**Note:** Not all states have a standalone “Assessment Methodology.” A lot of states, like Alaska and California, have monitoring and assessment documents that cover more than just assessments. In some of these documents, the Assessment Methodology is but a small chapter, or only a few pages (3 pages in Alaska’s document). An antidegradation policy may be mentioned somewhere within the whole document, but unless specifically mentioned in the Assessment Methodology portion of the document, it is not listed here.

Additionally, a lot of states do mention their antidegradation policy, but typically only in so far as it is a part of the water quality standards; not that it, in and of itself, is used to make assessments.

### **ALABAMA**

Antidegradation mentioned only in terms of part of WQS.

### **ALASKA**

No mention of Antidegradation in Assessment Methodology.

### **CALIFORNIA**

No mention of Antidegradation in Assessment Methodology.

### **COLORADO**

No mention of Antidegradation in Assessment Methodology.

### **CONNECTICUT**

No mention of Antidegradation in Assessment Methodology.

### **DELAWARE**

No mention of Antidegradation in Assessment Methodology.

### **GEORGIA**

No mention of Antidegradation in Assessment Methodology.

### **IDAHO**

Provides a sentence referring to the state’s document that outlines Tier 1,2, & 3 waters “For discussion on what types of data are used for other decisions, refer to the *Idaho*

*Antidegradation Implementation Procedures [draft] (2012).”*

<https://www.deq.idaho.gov/media/792352-antidegradation-implementation-procedures-draft-0112.pdf>

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## **INDIANA**

No mention of Antidegradation in Assessment Methodology.

## **IOWA**

As stated in the 2001 Iowa Code, Section 455B.194, subsection 1, the department shall use “credible data” when doing any of the following:

...

- Determining any degradation of a water of the state under 40 CFR 131.12 (antidegradation policy).

## **KANSAS**

### 7.4 CONSIDERATION OF ANTIDEGRADATION IN 303(D) LISTINGS

...

The purpose of the Kansas 303(d) program is to restore waters to Tier 1 status, maintaining existing uses. ... Because of the Kansas antidegradation policy, and the location of high quality waters relative to population centers and industrial activity, the vast majority of any impairment on the higher quality waters is caused by non-point sources of pollutants.

Therefore, the antidegradation policy portion of the Kansas water quality standards offers independent protection to high quality waters but only from the narrow niche of future new or expanding sources of pollutants. The policy does not apply well to non-point sources of pollutants. While adherence to the antidegradation policy essentially shields certain Kansas waters from 303d listing, the policy does not address the act of degradation in water quality nor does the Kansas water quality standards. Degradation in water quality can be determined by analysis of trends in water quality and where such trends are seen or suspected, the associated water is placed in Category 3 for additional assessment and determination or Category 5 if the evidence is substantial that water quality standards will not be achieved in the future on that water. Because of the predominant non-point source loading into Kansas waters, trends are a function of changing land use and weather patterns and are often confounded by the wide variability inherent in most water quality data.

Kansas assessment protocols under the 303(d) methodology attempt to be fairly conservative in listing possible impairments by emphasizing deficient conditions seen in the most recent years as potential evidence of water quality standards not being achieved, even though the statistical analysis shows compliance. Along with the placement of uncertain waters in Category 3 for subsequent assessment in the next listing cycle, the conservative assumptions underlying Kansas listings analysis provides some modicum of protection to waters on the brink of failing to meet their water quality standards. In taking these steps, Kansas is upholding the spirit and letter of Section 303(d) of the CWA.

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## **LOUISIANA**

No mention of Antidegradation in Assessment Methodology.

## **MASSACHUSETTS**

Mentions Antidegradation only as a component of water quality standards.

## **MINNESOTA**

No mention of Antidegradation in Assessment Methodology.

## **MISSISSIPPI**

Mentions Antidegradation only as a component of water quality standards.

## **MISSOURI**

Assessment of Tier Three Waters

Waters given Tier Three protection by the antidegradation rule at 10 CSR 20-7.031(2), shall be considered impaired if data indicate water quality has been reduced in comparison to its historical quality. Historical quality is determined from past data that best describes a water body's water quality following promulgation of the antidegradation rule and at the time the water was given Tier Three protection.

Historical data gathered at the time waters were given Tier Three protection will be used if available. Because historical data may be limited, the historical quality of the waters may be determined by comparing data from the assessed segment with data from a "representative" segment. A representative segment is a body or stretch of water that best reflects the conditions that probably existed at the time the antidegradation rule first applied to the waters being assessed. Examples of possible representative data include 1) data from segments upstream from assessed segments that receive discharges of the quality and quantity that mimic historical discharges to the assessed segment, and 2) data from other bodies of water in the same ecoregion having a similar watershed and landscape and receiving discharges and runoff of the quality and quantity that mimic historical discharges to the assessed segment. The assessment may also use data from the assessed segment gathered between the time of the initiation of Tier Three protection and the last known point in time in which upstream discharges, runoff and watershed conditions remained the same, if the data do not show any significant trends of declining water quality during that period.

The data used in the comparisons will be tested for normality and an appropriate statistical test will be applied. The null hypothesis for such test will be that water quality is the same at the test segment and representative segment. This will be a one-tailed test (the test will consider only the possibility that the assessed segment has poorer water quality) with the alpha level of 0.1, meaning that the test must show greater than a 90 percent probability that the assessed segment

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has poorer water quality than the representative segment before the assessed segment can be listed as impaired.

### **MONTANA**

No mention of Antidegradation in Assessment Methodology.

### **NEBRASKA**

No mention of Antidegradation in Assessment Methodology.

### **NEW JERSEY**

Mentions Antidegradation only as a component of water quality standards.

### **NEW YORK**

No mention of Antidegradation in Assessment Methodology.

### **NORTH CAROLINA**

No mention of Antidegradation in Assessment Methodology.

### **NORTH DAKOTA**

Mentions Antidegradation only as a component of water quality standards.

### **OKLAHOMA**

No mention of Antidegradation in Integrated Report (includes assessment methodology).

### **OREGON**

Furthermore, the Department will apply the antidegradation policy in specific actions, e.g. permits, 401 certification and 303(d) listing, to protect spawning that occurs outside the identified time frames or utilize the narrative temperature criteria that applies to threatened or endangered species.

### **PENNSYLVANIA**

Mentions Antidegradation only as a component of water quality standards.

### **RHODE ISLAND**

Mentions Antidegradation only as a component of water quality standards.

### **SOUTH CAROLINA**

Mentions Antidegradation only as a component of water quality standards.

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### **TENNESSEE**

Tennessee's Assessment Methodology is part of a larger document for monitoring and assessment. It mentions its Antidegradation Policy in reference to monitoring and as part of the state's WQS; but there is no methodology concerning assessing using the Antidegradation Policy.

### **TEXAS**

No mention of Antidegradation in Assessment Methodology.

### **UTAH**

No mention of Antidegradation in Assessment Methodology.

### **VERMONT**

No mention of Antidegradation in Assessment Methodology.

### **VIRGINIA**

No mention of Antidegradation in Assessment Methodology.

### **WASHINGTON**

No mention of Antidegradation in Assessment Methodology.

### **WEST VIRGINIA**

No mention of Antidegradation in Integrated Report (includes assessment methodology).

### **WISCONSIN**

Antidegradation mentioned only in terms of part of WQS.

### **WYOMING**

Antidegradation mentioned only in terms of part of WQS.