

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
NONRULE POLICY DOCUMENT

Title:	<b>Antidegradation Requirements for Outstanding State Resource Waters Inside the Great Lakes Basin</b>
Identification Number:	<b>Water-002-NRD</b>
Date Originally Adopted:	<b>March 23, 1998</b>
Dates Revised:	<b>None</b>
Other Policies Repealed or Amended:	<b>None</b>
Brief Description of Subject Matter:	<b>Provides a definition of significant lowering of water quality applicable to Outstanding State Resource Waters Inside the Great Lakes Basin</b>
Citations Affected:	<b>327 IAC 5-2-11.7(a)(2)(B)</b>

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This nonrule policy document provides IDEM's interpretation of the meaning of the term "significant lowering of water quality" for the purpose of applying the antidegradation requirements for outstanding state resource waters contained under 327 IAC 5-2-11.7(a)(2)(B) for discharges to tributaries of Outstanding State Resource Waters inside the Great Lakes Basin.

### **Background**

Indiana's antidegradation implementation procedures for Outstanding State Resource Waters in the Great Lakes Basin are set forth in 327 IAC 5-2-11.7. 327 IAC 5-2-11.7(a)(2)(B) provides that "a new or increased discharge of a pollutant or pollutant parameter into [a tributary of an outstanding state resource water] ... shall not cause a significant lowering of water quality in the outstanding state resource water." The rule does not set forth a definition of significant lowering, however.

### **Policy**

The following provide IDEM policy for determining when a discharge into a tributary of an Outstanding State Resource Water will cause a significant lowering of that outstanding state resource water. The policy is separated into two parts, one for discharges into tributaries of the Indiana portion of Lake Michigan and one for discharges into tributaries of the other Outstanding

State Resource Waters in the Great Lakes Basin (Cedar Creek in Allen and DeKalb counties, from River mile 13.7 to its confluence with the St. Joseph River; and all waters incorporated in the Indiana Dunes National Lakeshore).

#### **A. Tributaries to Lake Michigan**

A new or increased discharge into a tributary of Lake Michigan will not cause a significant lowering of water quality in Lake Michigan if any of the following are met:

- (1) The new or increased discharge into a tributary of Lake Michigan is the result of an activity that will result in a significant overall environmental benefit to Lake Michigan.
- (2) The new or increased discharge into a tributary of Lake Michigan does not cause a significant lowering of water quality in the tributary, as determined under 327 IAC 5-2-11.3(b)(1)(A) or 327 IAC 5-2-11.3(b)(1)(B).
- (3) For non-bioaccumulative chemicals of concern, the new or increased discharge into a tributary of Lake Michigan uses less than 10% of the unused loading capacity of Lake Michigan. For the purposes of this provision:
  - (A) “Unused loading capacity” means that amount of the total loading capacity not utilized by point source and nonpoint source discharges.
  - (B) “Total loading capacity” means the product of the applicable water quality criterion times the sum of the following:
    - (i) The flow in the tributary at the point it enters into Lake Michigan; and
    - (ii) An equal volume of Lake Michigan water.
  - (C) The unused loading capacity and total loading capacity will be established at the time that the request to lower the water quality is proposed. The stream flows used in the calculations will be the applicable stream design flows for the particular criteria.

#### **B. Tributaries to Outstanding State Resource Waters Other Than Lake Michigan**

The provisions under this section apply to discharges to tributaries of the following Outstanding State Resource Waters in the Great Lakes Basin:

- (1) Cedar Creek in Allen and DeKalb counties, from River mile 13.7 to its confluence with the St. Joseph River; and
- (2) All waters incorporated in the Indiana Dunes National Lakeshore.

A new or increased discharge into a tributary of one of these Outstanding State Resource Waters will not cause a significant lowering of water quality in the Outstanding State Resource Water if any of the following are met:

- (1) If a new or increased discharge into a tributary of the Outstanding State Resource Water is the result of an activity that will result in a significant overall environmental benefit to the Outstanding State Resource Water.

- (2) If the new or increased discharge into a tributary of the Outstanding State Resource Water does not cause a significant lowering of water quality in the tributary, as determined under 327 IAC 5-2-11.3(b)(1)(A) or 327 IAC 5-2-11.3(b)(1)(B).
- (3) For non-bioaccumulative chemicals of concern, if the new or increased discharge into a tributary of the Outstanding State Resource Water uses less than 10% of the unused loading capacity of the Outstanding State Resource Water (OSRW). For the purposes of this provision:
- (A) “Unused loading capacity” means that amount of the total loading capacity not utilized by point source and nonpoint source discharges.
  - (B) “Total loading capacity” means the product of the applicable water quality criterion times the following:
    - (i) For a discharge upstream of the point that a waterbody is designated as an OSRW, the flow of the OSRW at the point where the waterbody becomes an OSRW.
    - (ii) For a discharge into a receiving stream that is a tributary of an OSRW (the receiving stream joins the OSRW), the sum of the following:
      - (AA) The flow in the tributary at the point it enters into the Outstanding State Resource Water; and
      - (BB) An equal volume of flow of the Outstanding State Resource Water, or the entire volume of flow of the Outstanding State Resource Water immediately upstream of the point where the tributary enters, whichever is less.
  - (C) The unused loading capacity and total loading capacity will be established at the time that the request to lower the water quality is proposed. The stream flows used in the calculations in this section will be the applicable stream design flows for the particular criteria.