

**OUTSTANDING NATIONAL
RESOURCE WATERS:
A RESOURCE MANAGEMENT TOOL**

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Introduction

Clean water is an important attribute of each unit of the National Park System, whether it provides extensive water-based recreation, serves as the focal point of a significant scenic overlook, or functions in ways that add valuable dimensions to an historical scene. Appropriate management is not limited to the management of water as a single resource; the National Park Service (NPS) Organic Act directs the NPS to preserve and protect entire ecosystems by maintaining their integrity and by finding ways to avoid interferences with natural ecosystem processes that perpetuate them.

The boundaries that define parks do not insulate them from influences that affect the lands around them. Park resource managers need to make use of all the tools available to prevent external influences from causing unacceptable alterations to park systems and resources. Single resource statutes, like the Clean Water Act with its antidegradation provisions, offer opportunities for NPS managers to move toward the goal of preserving and protecting natural systems. Water quality standards that implement antidegradation can maintain and enhance water quality in parks by protecting the water from new discharges in parks and in limiting changes to waters that flow into parks as well.

Regulatory Framework

The Clean Water Act was designed to restore and maintain the integrity of the nation's water, including the waters of the National Park System. As part of the Act, the Congress recognized the primary role of the States in managing and regulating the nation's water quality, within the general framework developed by Congress. Part of that framework, namely section 313, requires that all Federal agencies, including the NPS, comply with the requirements of State law for water quality management regardless of other jurisdictional status or land ownership. The Act states,

"Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in the discharge or runoff of pollutants, and each officer, agent, or employee thereof in the performance of his official duties, shall be subject to, and comply with, all Federal, State, interstate, and local requirements, administrative authority, and process and sanctions respecting the control and abatement of water pollution in the same manner and to the same extent as any nongovernment entity including the payment of reasonable service charges. The preceding sentence shall apply (A) to any requirement whether substantive or procedural (including any recordkeeping or reporting requirement, any requirement respecting permits and any other requirement, whatsoever), (B) to the exercise of any Federal, State, or local administrative authority, and (C) to any process and sanction, whether enforced in Federal, State, or local courts or in any other manner. This subsection shall apply

notwithstanding any immunity of such agencies, officers, agents, or employees under any law or rule of law."

Antidegradation

A State's antidegradation policy represents a three-tiered approach to maintaining and protecting various levels of water quality and uses. At its base, the existing uses of a water segment and the quality level necessary to protect the uses must be maintained. This establishes the absolute foundation for water quality.

The second level provides protection of existing water quality in segments where quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water (that is, those segments meeting the goals of the Clean Water Act to have the nation's waters suitable for fishing and swimming by 1983). In such segments, limited water quality degradation can be allowed only after it has been shown through a demonstration process, which includes public participation, that the quality will continue to support the "fishable/swimmable" uses.

The third tier provides special protection for waters for which ordinary use classifications may not suffice and which are classified as "Outstanding National Resource Waters" (ONRW). The purpose of this special protection is to safeguard the state's highest quality waters and also to maintain the quality of waters that have ecological importance.

EPA's guidance in the Water Quality Standards Handbook describes ONRW as, "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." For waters designated as ONRW, water quality must be maintained and protected and only temporary and short-term changes may be permitted. The specific nature of the protection provided by ONRW designation differs by State but it often means that no new point source discharges are permitted. To date, it is not clear how the provisions of section 319 of the Water Quality Act of 1987 that deals with assessment and management of nonpoint sources of water pollution will be addressed in the context of antidegradation.

Ordinarily, ONRW would be thought to protect only the highest quality waters, and indeed, the need to maintain and protect high quality waters is the policy's primary intent. However, the ONRW category also offers a means to protect waters of "ecological significance." These are water bodies that are important, unique, or sensitive ecologically, but whose water quality as measured by traditional parameters (e.g., dissolved oxygen, pH, or temperature) may not be particularly "high" or whose character cannot be adequately described by these parameters. Such unique waters might include swamps or hot springs.

A listing, with brief description, of State antidegradation policies and ONRW programs is provided in the last section of this paper.

ONRW as a Resource Management Tool

If a State has only an antidegradation policy but does not have an ONRW program or its ONRW program does not include waters within units of the National Park System, public participation processes associated with the triennial review of water quality standards offer the opportunity for NPS managers to propose ONRW status for waters in NPS units. Significant benefits can be derived from having the waters of the park unit designated as ONRW.

First, although the NPS may have responsibility for management of the area within the park's boundaries, water resource-related laws and programs are administered by agencies other than NPS. In some cases, it may be possible to develop cooperative working arrangements or agreements that can result in management that, by and large, meets NPS management standards. In most cases, however, given differing State goals and objectives for water resources management, it may be difficult to develop agreements that will result in comprehensive resource protection based on a recognition of the interconnected web of natural systems that constitutes a unit of the NPS. That recognition should also include acknowledgement of the fact that the interconnected web is related to systems outside the park's boundaries. Designation of waters as ONRW can provide protection that closely approximates NPS management standards.

Second, developers may be less likely to propose activities for a given area if ONRW would be affected. From an environmental permitting perspective, developers seek areas which are free from constraints to development posed by more stringent water quality standards -- like those associated with ONRW. If fewer development proposals are made, park staffs will be able to spend their time and energies on management rather than trying to modify proposed developments that may pose adverse effects to park resources.

Third, the NPS can be perceived negatively by other agencies and some individuals because the Service is often in the position of opposing developments or activities that pose the potential for adversely affecting park resources. The nature of NPS resources management frequently results in managers seeking to protect the status quo. When a Federal land manager appears at a hearing, he or she is rarely perceived as "just another landowner." Participation in such processes may pose difficulties for park personnel as a consequence. ONRW designation for park waters may likely result in fewer permit applications and thus require fewer hearings and permit reviews.

Fourth, it is often difficult to demonstrate a clear and unequivocal connection between changes to water quality and resource damage. Comprehensive data that can clearly prove that resource damage will occur are rarely available and defining what pollutant loads cause "degradation" has proved to be a difficult task. In many cases, the effects of such pollutant loads on NPS resources may be subtle and long-term. Because changes would not occur in the short-term, it is possible that NPS concerns may be discounted or ignored by permitting authorities. It is in such circumstances that ONRW designations are especially valuable; discharges are prohibited without conclusive proof as to their case-by-case effect.

Finally, both EPA and the appropriate State agencies issue a large number of wastewater discharge permits. The sheer number of permits makes it difficult for the staffs of individual parks to effectively track all actions that may result in impacts to NPS units and their resources. Because ONRW designation requires more stringent standards, there may be less need for additional monitoring of permits by NPS managers.

National Park Service Experience with ONRW

In 1986, the staffs of Buffalo National River and Southwest Region and the Interior Department Solicitor used the Arkansas designation of waters within the park as Outstanding National Resource Waters ("Extraordinary Recreational and Aesthetic Value") as one of the bases for protesting the issuance of a permit for a landfill near the park. Based on available data, NPS believed that because of the karst geology of the area, there was a significant potential for degrading waters within the unit if a landfill were to be constructed. ONRW status for waters within Buffalo River provided a framework which was used as the basis for NPS arguments concerning the need for enhanced resource protection. On appeal to the Department of Pollution Control and Ecology, the permit was denied, at least partially based on the NPS's arguments. An appeal is pending before the Arkansas Supreme Court.

In another case, a catfish farm in Oklahoma was discharging nutrient-laden effluent without a permit into a tributary of Lake of the Arbuckles, an ONRW in Chickasaw National Recreation Area. The lake also serves as the source of drinking water for several nearby towns. The discharge is located about one mile upstream of the park's boundary. In the permit proceedings, protection of the ONRW was the basis for much of the testimony. Unfortunately, the water quality standard applicable to the tributary was much less stringent than the ONRW classification for the lake. However, in order to protect the quality of the lake, the final decision of the Oklahoma Water Resources Board put seasonal discharge limitations on the catfish farm. The decision was designed to limit the addition of nutrients to the Lake during the summer months when the potential for eutrophication is greater. The NPS is continuing to monitor for adverse effects.

An Important Proviso

Managers should note that ONRW designations can affect the ways in which new or expanded construction or developments in a park can be undertaken. In fact, in some circumstances, ONRW designation would prohibit any new construction or substantial modification of existing structures if a point source discharge were substantially modified. And, where fill would be required for the construction or modification not only of buildings but roads and parking lots as well, as in parks like Everglades and Biscayne, ONRW designation could wholly prohibit the activity. Even where the construction would be for visitors' centers or other necessary visitor facilities, ONRW designation can prohibit the construction.

Because ONRW designation can be such a potent tool, substantially affecting a manager's flexibility, options should be pursued that provide protection without unduly

limiting management's ability to meet other NPS mandates. One such option is to seek ONRW designation for the park except for those areas zoned for development in the General Management Plan (GMP). The management zoning should be carefully evaluated to ensure that the development zones will serve the long-term needs of the park because ONRW designations are not revokable. If the park has designated wilderness or is managing for wilderness pending Congressional action, then these areas serve as ideal candidates for ONRW designation.

Guidance to NPS Managers

The NPS has suggested that park managers take some, or all, of the following steps to facilitate ONRW designation for waters that are within or may affect park units.

Work Closely with State Officials

There is a wide variation in the programs and policies of the States. Some have prepared detailed guidance on how to apply for such designations (Arizona, for example) with clearly delineated criteria that the water body must meet in order to be designated. In other States, the statutes implementing the Clean Water Act may mention ONRW or their equivalent but provide no information on how they are identified or designated. In either circumstance, such actions require working closely with State agency officials in order to prepare an application or petition for designation. Where the State has not already established procedures, it is possible to influence how it goes about structuring and defining its application processes.

Provide Water Resources Information

The more information provided to the State on the quality of the water resources, on the ways in which the water functions as part of the park's ecosystem(s), and on the ways in which visitors and wildlife use the water resources for which designation is being sought, the more likely the state will be able to act positively on the application for designation. If the uses of the water or purposes for which the unit was established are positively correlated with the quality of the water, for example, NPS should make that clear.

Write Comprehensive Planning Documents

The information in the park's planning documents (Statement for Management, Development Concept Plans, GMP, Natural Resources Management Plan, Water Resources Management Plan, River Management Plans, and others) should support the application for designation as an ONRW. And, that information should be supported by NPS actions as well. These documents should be evaluated to determine the likely long-term needs for park development to ensure that ONRW designation does not impinge on NPS's ability to provide appropriate visitor services. For example, if any NPS activities, like road or trail construction or use of pesticides, could adversely affect water resources, the environmental assessments or other documentation should make it clear that protection and preservation of high quality waters in the unit are important to the NPS. The documentation should also provide "best management practices" designed to control nonpoint source pollution to maintain high quality waters.

Present Clear Proposals

The NPS should make sure its actions to have ONRW's designated are clearly understood. NPS should ensure that designations will not prohibit the construction or operation of new or expanded visitor or administrative facilities at some point in the future. Also, NPS managers should contact and explain NPS proposals to local landowners, industries, civic groups, and other potentially interested parties. If there is widespread resistance or significant opposition to ONRW proposals, it may be worth reconsidering the way in which the information has been presented or how the proposal has been explained. Managers should consider working with the State agency to ensure that the State can function as a partner with the NPS rather than as an adversary in the designation process.

Work with Local Groups

The NPS manager may find it helpful to work as closely as possible with other groups that may be interested in protecting the water in the park, such as local hunting and fishing organizations, local Audubon chapters, civic or environmental groups. Where waters of NPS units serve as sources of drinking water, the local units of government or water management districts often support applications for ONRW status.

Prepare One Petition

If a State has more than one park unit that has waters that appear to qualify for ONRW status, perhaps only one petition to the State should be prepared that includes all NPS waters (in the several parks) proposed for ONRW status. This approach will require close coordination and consultation between the parks to avoid duplication of effort.

Contact the Water Resources Division (WRD)

The WRD is familiar with most of the relevant federal and State laws that affect water quality. It also has special expertise on antidegradation policies and programs of the States. Because of their experience with different aspects of ONRW designation and implementation processes, the WRD can be the source of valuable information and provide assistance to parks and regions in preparing petitions or testimony before State agencies.

Be an Ally

In some circumstances, property owners whose lands are adjacent to or near waters that are candidates for ONRW may not always support ONRW designations. On the other hand, many often see ONRW designation as a way to protect their lands from unsuitable or unwanted adjacent development. Working with local landowners can provide benefits to both the NPS and the ONRW supporters. It is also the case that some States have found themselves under pressure from EPA or the public to conclusively implement antidegradation policies. Under these conditions, the States can find an ally in the NPS.

Areas for Further Action

Most of the States that have ONRW programs specifically address "national parks." When NPS uses that term, it is synonymous with any unit in the National Park System as directed by the 1970 Act for Administration. When "national park" is used by the States, it may mean only national parks and may not include monuments, recreation areas, national lakeshores, or national historical parks. Managers may find it useful to consult with the appropriate State agency to determine the reach of the State program. If NPS units other than "parks" are not included as ONRW, the triennial review of the water quality standards is the time for NPS to raise the question and resolve the issue. In addition, some States have petition processes that allow individuals or agencies to propose changes to State standards and policies which would enable NPS to raise this question directly.

Many times, the "uses" for which water is valuable in National Park System units are not considered to be "uses" for the purpose of water quality standards. Or, the uses in the NPS units represent a small segment of a longer or larger water system and thus are not accounted for in the State's water quality standards. Because ONRW designations are often based on uses, an inappropriate use designation could preclude otherwise eligible waters from ONRW designation. For example, the San Antonio River links the Spanish Colonial missions that make up San Antonio Missions National Historical Park in San Antonio, Texas. Upstream and downstream of the park, the river is used for light industrial purposes and the water quality standards reflect those uses. In spite of the standards, however, many park visitors wade, swim and fish in the river -- uses that were clearly not contemplated by the existing water quality standards. Greater protection of park visitors and resources could occur under the antidegradation policies of the State if the NPS is able to identify the uses served by water in NPS units and to communicate those uses to the State. Cooperative efforts should enable accommodations that are mutually satisfactory.

It is not clear how ONRW designations affect State policies and programs concerning nonpoint source pollution. At the present time, a suit is pending in the Federal Court for the Southern District of Florida brought by the U.S. Attorney against the South Florida Water Management District and the Florida Department of Environmental Regulation. It alleges, among other things, that Outstanding Florida Waters (OFW) designation (which provides second level antidegradation protection but is not quite equivalent to ONRW) for Everglades National Park requires special efforts to abate sources of nonpoint pollution that threaten to change the composition and functioning of ecosystems that the park was established to preserve. Since the suit was filed, substantially all of Everglades National Park, except for development zones, has been designated as an ONRW.

State-by-State Listing

The following state-by-state listing of antidegradation programs and policies, with special attention to ONRW, should assist park managers who are interested in pursuing ONRW

designations. The information presented on the state programs was accurate as of May 15, 1989.

Alabama: Department of Environmental Management
Water Division -- Water Quality Planning
1751 Federal Drive
Montgomery, Alabama 36130
(205) 271-7825

Alabama has a general antidegradation policy that is set forth in the Code of Alabama, Title 22, Section 22-22-1 et seq. The State articulates that policy in their Water Quality Criteria document as, "Waters of high quality located within national and state parks and other areas which constitute an outstanding national resource shall be maintained at such high quality." There is apparently no water use classification or water quality standard that provides the equivalent of tier 3 protection.

Alaska: Department of Environmental Conservation
Division of Environmental Quality Mgmt.
Pouch O
Juneau, Alaska 99811
(907) 465-2640

Alaska has a general antidegradation policy but it does not have an ONRW procedure. The policy is set forth in 18 Alaska Administrative Code, Section 70.010. Almost all waters of the State are designated for drinking water uses, the highest use classification permitted under the State's water quality standards, which seems to provide the equivalent of tier 3 protection or designation as ONRW.

Arizona: Department of Health Services
Office of Waste and Water Quality Mgmt.
2005 N. Central Ave.
Phoenix, Arizona 85007
(602) 257-2305

The State's "Unique Waters Policy" is defined by the Arizona Water Quality Control Council and is outlined in Arizona Administrative Rules and Regulations Title 9, Chapter 21, section 303. In order to be designated, waters must meet all three of the primary designation criteria and three or more of the secondary criteria. The primary criteria are:

- water quality consistently better than that specified in water quality standards;
- preservation of water quality is not in conflict with present or anticipated necessary and justifiable economic and social uses consistent with appropriate local and regional planning; and

- the body of water is capable of being managed to maintain the existing high quality water.

The secondary criteria include factors related to recreational use; unique attributes of the waterbody; designation as part of a land management system because of recreational opportunities; nonresident recreation use; provision of habitat for fish and wildlife species having state or national significance; contribution to natural ecosystem functioning; scientific or educational value; potential for irretrievable or irreversible loss due to location or fragility; unusual ecosystems or supporting unusually high numbers of desirable wildlife; or waters that are otherwise considered an outstanding public resource.

Waters currently designated as Unique Waters include the West Fork of the Little Colorado River above Government Springs and the entire length of Oak Creek and its West Fork. They are the only waters in Arizona that are so designated now. No waters in units of the National Park System have been designated to date.

Arkansas:

Department of Pollution Control and Ecology
Water Division
8001 National Drive
Little Rock, Arkansas 72209
(501) 562-7444

The State's antidegradation policy, articulated in section 3 of Regulation 2, states in subsection (C), "Where high quality waters constitute an outstanding state or national resource, such as those waters designated as extraordinary resource waters, ecologically sensitive or natural and scenic waterways, those uses shall be maintained and protected by (1) water quality controls, (2) maintenance of the natural flow regime, (3) protection of instream habitat, and (4) pursuit of land management protective of the watershed."

The use category that offers the equivalent of tier 3 protection is "Extraordinary Resource Waters," which is defined as, "This beneficial use is a combination of the chemical, physical, and biological characteristics of a waterbody and its watershed which is characterized by scenic beauty, aesthetics, scientific values, broad scope recreational potential and intangible social values," (Regulation 2, Section 4(C)). The "Natural and Scenic Riverways" use category states, "This beneficial use identified (sic) segments which have been legislatively adopted into a state or federal system." Buffalo National River is classified as an Extraordinary Resource Water.

California: Water Resources Control Board
P.O. Box 100
901 P Street
Sacramento, California 95801
(916) 322-3132

In 1968, the State of California adopted Resolution 68-16, "Statement of Policy with Respect to Maintaining High Quality Waters in California." The policy requires continued maintenance of high quality waters while permitting changes in water quality if certain conditions are met. A change must be consistent with maximum benefit to the people of the State; not unreasonably affect present and anticipated beneficial uses of water; and not result in water quality less than that prescribed in water quality control plans or policies.

California's water quality regulatory program is implemented by regional boards under the overall authority of the Porter-Cologne Water Quality Act. The regional boards establish uses and objectives and develop water quality control plans for all waterbodies and stream segments in the region. Section 13243 states, "A regional board, in a water quality control plan or in waste discharge requirements, may specify certain conditions or areas where the discharge of waste, or certain types of waste, will not be permitted." As a consequence of this provision, there is authority for implementation of the equivalent of ONRW protection for NPS units in California. To date, there apparently have been no such areas designated in order to protect NPS purposes. If they have been designated in NPS units, the basis is resource values rather than National Park protection.

Colorado: Department of Health
Water Quality Control Division
4210 East 11th Avenue
Denver, Colorado 80220
(303) 320-8333

Colorado's antidegradation program designates all waters in a "National Park, National Monument, National Wildlife Refuge, or a designated Wilderness Area," as high quality 2 waters. This level of protection corresponds to tier 2 protection. The equivalent of tier 3, or ONRW, protection is high quality 1 designation. Section 3.1.8(1)(a)(i) (5 CCR 1002-8) states, "The highest level of water quality protection applies to certain waters that constitute an outstanding state or national resource. These waters, which are designated high quality 1 pursuant to section 3.1.8(2)(a), shall be maintained and protected at their existing quality."

According to section 3.1.8.(2)(a), "Waters may be designated high quality 1 where (i) the criteria for high quality 2 waters are met and (ii) the

[Water Quality Control] Commission determines that extra water quality protection resulting from the high quality 1 designation is warranted. These waters will be protected and maintained at their existing quality." Waters designated as high quality 2 are maintained at their existing quality "unless it is determined, in accordance with the antidegradation review process set forth in section 3.1.8(3), that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In no event, however, may degradation of water quality interfere with or become injurious to existing classified uses."

The Colorado program presents some difficulties for NPS managers seeking the maximum protection for waters within their units. First, the initial designation, for parks and monuments, does not provide absolute protection; as high quality 2 waters, they are subject to the "important economic and social test," and are thus not assured that the water quality will be maintained and protected. Second, the status of water in Curecanti National Recreation Area and at Bent's Old Fort National Historical Site -- neither of which is a "national park" or "national monument" -is unclear. Third, the designation as high quality 1 water requires that the Commission find that the existing classification is not sufficient. Thus, the NPS would have the burden of proof of demonstrating to the Commission that existing classifications are insufficient or that a change is warranted. Finally, the actual in situ or ecosystem values of the water may not be accounted for by the State's water use classifications. As a consequence, the "important economic or social development" test may not adequately consider the actual, but not classified, uses in National Park System units.

Connecticut: Department of Environmental Protection
Water Compliance and Hazardous Substances
122 Washington Street
Hartford, Connecticut 06106
(203) 566-3245

Connecticut's water quality standards have a general statement on antidegradation that requires no lowering of water use goals. There is no use category that corresponds to ONRW.

Delaware: There are no NPS units in Delaware.

District of Columbia: Department of Consumer and Regulatory Affairs
Environmental Control Division
5010 Overlook Avenue, S.W.
Washington, D.C. 20032
(202) 767-7370

The District's regulations define "antidegradation segments" as waters which are of such characteristics as to be a District or national resource and which shall be maintained or restored to the highest quality achievable above the standards. (D.C. Municipal Regulations, Title 21, Section 1100.4) Rock Creek and its tributaries and Battery Kemble Creek and its tributaries are designated as antidegradation segments.

Florida:

Department of Environmental Regulation
Division of Environmental Programs
Water Quality Planning Section
2600 Blair Stone Road, Suite 531
Twin Towers Office Building
Tallahassee, Florida 32301
(904) 488-0708

Florida's water quality standards define "Outstanding National Resource Waters," as "waters designated by the Environmental Regulation Commission as worthy of special protection because of their natural attributes." [17-3.021(21) Florida Administrative Code] It further defines them as "waters designated by the Environmental Regulation Commission that are of such exceptional recreational or ecological significance that water quality should be maintained and protected under all circumstances, other than temporary lowering and the lowering allowed under section 316 [thermal discharges] of the Federal Clean Water Act." [17-3.021(22)]

The applicable water quality criteria for Outstanding National Resource Waters states, "no degradation of water quality, other than that allowed in Section 17-4.242(2) and (3), is to be permitted in Outstanding Florida Waters and Outstanding National Resource Waters, respectively, notwithstanding any other Department rules that allow water quality lowering." [17-4.041(1)] The section cited in the preceding sentence deals with permitting requirements and states,

- "(a) All discharges or activities that may cause degradation of water quality in Outstanding National Resource Waters are prohibited, other than:
1. discharges and activities that are exempted by statute from Department permitting or regulation;
 2. those discharges or activities described in F.A.C. Rules 17-242(1)(a)2.; or
 3. discharges or activities that would have the result of clearly enhancing the water quality of Outstanding National Resource Waters.
- (b) In addition, the following restrictions apply in Outstanding National Resource Waters. Each is listed below, followed by a reference to DER rules or Florida Statutes:

1. Water quality reclassification to a class with less stringent criteria is not allowed (Section 17-3.081, F.A.C.).
2. New or expanded mixing zones can not be issued other than those for thermal discharges as allowed in Rule 17-4.242(1)(a)1.
3. Temporary Operation Permits can not be renewed (Section 17-4.250, F.A.C.).
4. General Permits can not be used.
5. Exemptions from water quality criteria can not be issued (17-4.243; 17-6.020(5), (6), and (7); 17-25.030(3); and 17-28.130 F.A.C.).
6. Variances shall not be issued (Sections 403.201 and 403.938 F.S.).
7. Any special restrictions for water quality protection in Outstanding Florida Waters, whether in Department rules or Florida Statutes, also apply in Outstanding National Resource Waters."

Because the provisions of the Florida law and rules are so stringent and would affect virtually any activity that could take place in Florida's parks, the sections of Everglades and Biscayne National Parks where development may occur (under NPS zoning) are excluded from ONRW designation. Those sections remain as Outstanding Florida Waters as do the waters of Big Cypress National Preserve. Outstanding Florida Waters provides the equivalent of tier II protection.

Georgia:

Department of Natural Resources
Environmental Protection Division
Water Protection Branch
270 Washington Street, S.W. Room 702
Atlanta, Georgia 30334
(404) 656-4887

Georgia's water quality regulations do not have an ONRW use classification. The most restrictive classifications are for "Wild Rivers" and "Scenic Rivers" which are applicable "to any waters of the State when so designated by an authorized State or Federal Agency and will be effective simultaneously with that Agency's proper designation." For waters designated either as Wild or Scenic, "there shall be no alteration of natural water quality from any source." It appears that Federal designation as a Wild or Scenic River is necessary for waters within an NPS unit to qualify for one of these use classifications.

Hawaii:

Department of Health
Pollution Investigation and Enforcement Division
P.O. Box 3378
Honolulu, Hawaii 96801
(808) 548-6505

Class 1 waters, as defined by the Hawaii water quality standards, are equivalent to ONRW designation. The general objective of Class 1 is "that these waters remain in their natural state as nearly as possible with an absolute minimum of pollution from any man-caused source. To the extent possible, the wilderness character of such areas shall be protected. Wastewater discharge into these waters is prohibited." (Hawaii Code of Rules and Regulations, section 11-54-03(b)(1)) Class 1.a is defined as, "The uses to be protected in this class of waters are scientific and educational purposes, protection of breeding stock and baseline references from which human-caused changes can be measured, compatible recreation, aesthetic enjoyment, and other non-degrading uses which are compatible with protection of the ecosystems associated with waters of this class." Included as Class 1.a waters are "all inland waters in National and State parks."

Idaho:

Department of Health and Welfare
Bureau of Water Quality
State House
Boise, Idaho 83720
(208) 334-4250

The Idaho Water Quality Standards enable waters to be designated as "special resource waters." Selection as a special resource water "recognizes at least one (1) of the following characteristics: (a) The water is of outstandingly high quality, exceeding both the criteria for primary contact recreation and cold water biota; or (b) The water is of unique ecological significance; or (c) The water possesses outstanding recreational or aesthetic qualities; or (d) Intensive protection of the quality of the water is in the paramount interest of the people of Idaho; or (e) The water is part of the National Wild and Scenic River System, is within a State or National Park or wildlife refuge and is of prime or major importance to that park or refuge; or (f) Intensive protection of the quality of the water is necessary to maintain an existing, but jeopardized beneficial use."

Special resource water designation means that no new point sources may discharge and no existing point source can increase its discharge to any special resource water or to a tributary of or to the upstream segment of a special resource water.

The Idaho special waters designation requires not only that the waters be within a National Park System unit but also that it be "of prime or major importance" to the park. Knowing this, managers may wish to explicitly point out the importance of water resources to their park management in such things as Statements for Management and General Management Plans.

Illinois: Environmental Protection Agency
Division of Water Pollution Control
2200 Churchill Road
Springfield, Illinois 62706
(217) 782-1654

Illinois has a general antidegradation statement as part of its water quality standards. It does not have a use classification that corresponds with ONRW. The standards are being revised and will have a use category that corresponds to ONRW; the only waters currently proposed for that category are Lake Michigan and the Middle Fork of the Vermillion River.

Indiana: Office of Water Management
105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8488

Indiana's water quality standards have a general nondegradation policy that includes a use designation for High Quality Waters. The standards state, "all waters whose existing quality exceeds the standards established herein as of February 17, 1977 shall be maintained in their present high quality unless and until it is affirmatively demonstrated ... that limited degradation of such waters is justifiable on the basis of necessary economic or social factors and will not interfere with or become injurious to any beneficial uses made of, or presently possible, in such waters." The standards then define State Resource Waters which are waters of high quality (as defined above) and "are designated by the board to be an outstanding state resource and shall be maintained in their present high quality without degradation." (327 IAC 2-1-2(b) and (c))

At 327 IAC 2-7-2(3), National or State Resources Water, the standards state, "All waters of high quality ... which are designated by the commissioner to be outstanding national or state resource (sic) shall be maintained in their present high quality without degradation. Similarly, all waters incorporated by the Indiana department of natural resources into the natural, scenic, and recreational rivers systems shall be maintained in their present quality as well as those portions of Lake Michigan incorporated into the (Indiana) Dunes National Lakeshore."

Iowa:

Department of Natural Resources
Surface and Groundwater Protection Bureau
Henry A. Wallace Building
900 E. Grand Avenue
Des Moines, Iowa 50319
(515) 281-8690

Iowa has a general antidegradation policy but has no level of protection that is equivalent to ONRW designation. The State has specifically designated certain existing high quality waters for special protection, but degradation can be permitted for necessary and justifiable economic and social development. None of the named high quality waters appear to be within National Park System units.

Kansas:

Department of Health and Environment
Division of Environment
Bureau of Water Quality
Forbes AFB Building N. 740
Topeka, Kansas 66620
(913) 862-9360, ext. 257

Kansas Administrative Regulations 28-15-28c(a) state, "Existing water quality shall not be lowered by artificial sources in "outstanding state or national resource waters of unique significance." The waters identified as "outstanding national resource waters are in wildlife refuges, a wildlife area and a national grassland. Variance provisions that apply to other waters whose quality is better than applicable water quality criteria do not apply to these ONRW.

Kentucky:

Natural Resources and Environmental Protection Cabinet
Division of Water
18 Reilly Road, Ft. Boone Plaza
Frankfort, Kentucky 40601
(502) 564-3410

Kentucky's water quality standards have a classification category for outstanding resource waters (ORW) for "certain unique waters of the Commonwealth" (410 KAR (Kentucky Administrative Regulations) 5:029, section 2.) The standards state that, "Water quality shall be maintained and protected in waters designated as outstanding resource waters." Waters that are automatically included are "Any surface waters designated under the Kentucky Wild Rivers Act, the Federal Wild and Scenic Rivers Act, or identified under the Kentucky Nature Preserves Act, or that support federally recognized rare or endangered species ..." Other waters that may be considered for inclusion providing that "the surface waters flow through or are bounded by state or federal forest

land, or of exceptional aesthetic or ecological value or within the boundaries of national, state, or local parks ..."

The State regulations allow any person to present a proposal to classify waters as ORW. The regulations set forth the data and information that will be evaluated by the State in deciding whether to act favorably on such proposals. The waters of Mammoth Cave National Park are designated as ORW as are some stretches of the Big South Fork of the Cumberland River.

Louisiana: Department of Health and Human Resources
Office of Health Services and Environmental Quality
325 Loyola Avenue
New Orleans, Louisiana 70160
(504) 568-5101

Louisiana's water quality standards (Louisiana Administrative Code, Title 33, Part IX, Chapter 11, section 1109) contain an antidegradation statement which states, "It is the policy of the state that all interstate, intrastate, and coastal waters ... whose quality exceeds the approved Water Quality standards or otherwise supports an unusual abundance and diversity of fish and wildlife resources will be maintained in their existing high quality ... Additionally, no degradation shall be allowed in high quality waters which constitute an outstanding natural resource, such as waters of national and state parks and wildlife refuges, waters in the Louisiana Natural and Scenic Rivers System, and waters of exceptional recreational or ecological significance ..."

The standards define Outstanding Natural Resource Waters as including "areas designated for preservation, protection, reclamation, or enhancement of wilderness and aesthetic qualities and ecological regimes, such as Louisiana natural and scenic streams, and waters within wildlife refuges." (section 1111 (G))

Maine: Department of Environmental Protection
Bureau of Water Quality Control
State House, Station 17
Augusta, Maine 04333
(207) 289-3355

Maine Revised Statutes, Title 38, Chapter 3, Article 4-A, section 464, subsection 4(F) states, "The antidegradation policy of the State shall be governed by the following provisions... (2) Where high quality waters constitute an outstanding national resource, that water quality shall be maintained and protected. For purposes of this paragraph, the term "high quality waters" means those water bodies in national and state parks and wildlife refuges, public reserved lands and those river segments listed in Title 12, section 403.

Class AA waters are the highest classification and "shall be applied to outstanding natural resources and which should be preserved because of their ecological, social, scenic, or recreational importance. The habitat of such waters is "characterized as free-flowing and natural." No direct discharge of pollutants is permitted to Class AA waters. (section 465) Similar prohibitions apply to Class SA waters, the highest classification for estuarine waters.

Maryland: Department of Environment
2500 Broening Highway
Baltimore, Maryland 21224
(301) 631-3603

The Maryland Water Quality Standards contain a general antidegradation policy, in Code of Maryland Regulations, Title 26, Subtitle 08, Chapter 2.04. The standards do not have a use classification to protect high quality waters. There is no special protection for waters within units of the National Park System.

Massachusetts: Department of Environmental Quality Engineering
Division of Water Pollution Control
1 Winter Street
Boston, Massachusetts 02108
(617) 292-5673

The Commonwealth of Massachusetts has antidegradation provisions (Code of Massachusetts Regulations, Title 314, Chapter 4:04) in its water quality standards that include provisions for designation of National Resource Waters. The definition states, "Waters that constitute an outstanding national resource as determined by their outstanding recreational, ecological and/or aesthetic values shall be preserved ... Waters so designated may not be degraded and are not subject to a variance procedure. New discharges of pollutants to such waters are prohibited. Existing discharges shall be eliminated unless the discharger is able to demonstrate that: (a) alternative means of disposal are not reasonably available or feasible; and (b) the discharge will not affect the quality of the water as a national resource." The waters in and adjacent to Cape Cod National Seashore are designated as National Resource Waters.

Michigan: Department of Natural Resources
Water Resources Commission
Surface Water Quality Division
P. O. Box 30028
Lansing, Michigan 48909
(517) 373-1949

Michigan has an explicit antidegradation statement in its water quality standards. R323.1098(9) states, "... rivers flowing into, through, or out of national parks and national lakeshores ... shall not be lowered in quality." This rule applies to "... waters of the state in which existing water quality is better than the water quality standards prescribed by these rules or than needed to protect existing uses." There are no variance provisions for waters in national parks and national lakeshores (as there are for other protected waters in the state.)

The standards also state, "Michigan's waters of the Great Lakes are of special significance and are designated outstanding state resource waters." The waters of the Great Lakes can be lowered in quality if specific public interest tests are met.

Minnesota: Minnesota Pollution Control Agency
Division of Water Pollution Control
520 Lafayette Road North
St. Paul, Minnesota 55155
(612) 296-7202

Minnesota Rules, Chapter 7050.0180 state, "The agency recognizes that the maintenance of existing high quality in some waters of outstanding resource value to the state is essential to their function as exceptional recreational, cultural, aesthetic, or scientific resources. To preserve the value of these special waters, the agency will prohibit or stringently control new or expanded discharges to outstanding resource value waters." "Outstanding resource value waters" are defined as, "waters within the Boundary Waters Canoe Area Wilderness, Voyageur's National Park, and Department of Natural Resources designated scientific and natural areas, wild, scenic, and recreational river segments, Lake Superior, those portions of the Mississippi River from Lake Itasca to the southerly boundary of Morrison County that are included in the Mississippi Headwaters Board Comprehensive plan dated February 12, 1981, and other waters of the state with high water quality, wilderness characteristics, unique scientific or ecological significance, exceptional recreational value, or other special qualities which warrant special protection from pollution." The regulations state, "No person may cause or allow a new or expanded discharge of any sewage, industrial waste, or other waste to waters within the Boundary Waters Canoe Area Wilderness, Voyageur's National Park, or Department of Natural Resources designated scientific and natural areas, or to federal or state wild river segments." Finally, the rules state, "The agency shall require new or expanded discharges to waters that flow into outstanding resource values waters be controlled so as to assure no deterioration in the quality of the downstream outstanding resource value water."

Mississippi: Department of Natural Resources
Water Division
P.O. Box 10385, Southport Mall
Jackson, Mississippi 39209
(601) 961-5171

Mississippi has an antidegradation statement as part of section 1 of its Water Quality Criteria that states, "Where the Commission determines that 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 shall be maintained and protected." There is no use classification that corresponds to ONRW and no indication that the Commission has determined there are any Outstanding National Resource Waters in Mississippi.

Missouri: Department of Natural Resources
Water Quality Program
Division of Environmental Quality
Jefferson State Office Building
101 Jefferson Street
Jefferson City, Missouri 65102
(314) 751-1300

Missouri's Water Quality Standards define Outstanding National Resource Waters as, "Waters which have outstanding national recreational and ecological significance. These waters shall receive special protection against any degradation in quality. Congressionally designated rivers, including those in the Ozark National Scenic Riverways and the Wild and Scenic Rivers System, are so designated." Lowering of water quality (which may be allowed for important economic and social development for other waters of the state) is not permitted "in outstanding national resource waters or outstanding state resource waters." The designated ONRW in Missouri are the Current, the Jack's Fork, and the Eleven Point Rivers.

Montana: Department of Health and Environmental Sciences
Division of Environmental Sciences
Water Quality Bureau
Cogswell Building Room A206
Helena, Montana 59620
(406) 444-2406

Montana's general nondegradation policy enunciated in Montana Administrative Regulations 16.20.701. defines "National Resource Waters" as "all surface waters in national parks, wilderness, or primitive areas." Section 16.20.702(3) states, "Degradation of national resource

waters is prohibited." In addition, there is a water use classification specifically for National Park, Wilderness, and Primitive Waters -- A-1 -- which requires that the water quality be suitable for bathing, swimming and recreation; growth and propagation of salmonid fishes and associated aquatic life, waterfowl and furbearers; and agricultural and industrial water supply.

Nebraska: Department of Environmental Control
Water Pollution Control Division
P.O. Box 94877 -- 301 Centennial Mall
Lincoln, Nebraska 68509
(402) 471-2186

State Resource Waters -- Class A -- are defined as "surface waters, whether or not they are designated in these standards, which constitute an outstanding State or National resource, such as waters within national or state parks, national forests or wildlife refuges, and waters of exceptional recreational or ecological significance. Waters which provide a unique habitat for federally designated endangered or threatened species and rivers designated under the Wild and Scenic Rivers Act are also included. The existing quality of these surface waters shall be maintained and protected." (Nebraska Water Quality Standards Chapter 3, 002)

Nevada: Department of Conservation and Natural Resources
Water Resources Division
201 South Fall Street, Capitol Complex, Nye Bldg.
Carson City, Nevada 89710
(702) 885-4380

Nevada's water quality standards have no provisions that are equivalent to ONRW for protecting waters within National Park System units. The waters in National Forests and Great Basin National Park are designated as Class A, which are defined as "waters located in areas of little human habitation, no industrial development or intensive agriculture and where the watershed is relatively undisturbed by man's activity." (Nevada Administrative Code 445.122) Nevada does have a general statement stating no impairment of beneficial uses may result from discharges. (NAC 445.131(2))

New Hampshire: Water Supply and Pollution Control Commission
Hazen Drive
P.O. Box 95
Concord, New Hampshire 03301
(603) 271-2458

The water standards for New Hampshire state that the antidegradation policy of the State is aimed at protecting those waters that are currently of high quality. It goes on to state that in all cases high quality water that constitutes a State or National resource will be maintained and protected. The standards do not give any guidance on how State or National resource waters are defined.

New Jersey: Department of Environmental Protection
Division of Water Resources
401 East State Street
P.O. Box CN029
Trenton, New Jersey 08625
(609) 292-1638

The antidegradation policies of the State of New Jersey apply to all surface waters of the State and state that, "No changes may be allowed in waters which constitute an Outstanding National or State resource or in waters that may affect these outstanding resource waters." (N.J.A.C. 7:9-4.5(d)) New Jersey defines Outstanding National Resource Waters as "high quality waters that constitute an outstanding resource (for example, waters of National/State Parks and Wildlife Refuges and waters of exceptional recreational or ecological significance.)" In addition, the state defines Nondegradation waters as "those waters set aside for posterity because of their clarity, color, scenic setting, other characteristic of aesthetic value, unique ecological significance, exceptional recreational significance, or exceptional water supply significance." All FW1 waters are Nondegradation waters. The Standards require that such waters be "maintained in their natural state (set aside for posterity) and shall not be subject to any man-made wastewater discharges." The classification category, FW1, is defined as "those fresh waters that originate in and are wholly within Federal or State parks, forests, fish and wildlife lands, and other special holdings."

New Mexico: Health and Environment Department
Environmental Improvement Division
Surface Water Quality
Harold Runnels State Office Bldg.
1190 St. Francis Drive
P.O. Box 968
Santa Fe, New Mexico 87504-0968
(505) 827-2918

The New Mexico water quality standards state, "No degradation shall be allowed in high quality waters of designated national and state parks and wildlife refuges if such degradation would impair any of the qualities which caused designation of the parks and wildlife refuges." (New Mexico Water Quality Standards 1-101) The standards apparently

do not have a use classification that corresponds to ONRW. As a consequence, park managers must keep track of activities that could result in impacts to NPS resources, and then, must be prepared to demonstrate how those impacts would result in degradation of the qualities which caused the park to be established.

New York: Department of Environmental Conservation
Division of Waters
50 Wolf Road
Albany, New York 12233
(518) 457-6674

The New York Water Classifications and Quality Standards and the State laws consulted did not appear to have an explicit antidegradation statement, although there is a requirement that there be no "impairment" to the water uses from discharges. The State's use classification for Class N Waters can be considered to be roughly equivalent to ONRW although National Parks are not specifically addressed. Class N Waters enable, "Enjoyment of water in its natural condition," and prohibit discharges to such waters. (701.18) There are no waters that have been accorded Class N Water status, however.

North Carolina: Department of Resources and Community Development
Division of Environmental Management
Water Quality Section
P.O. Box 27687
Raleigh, North Carolina 27611
(919) 733-5083

The Water Quality Standards for North Carolina have an explicit antidegradation statement that mentions classifications for outstanding national resource waters and waters of exceptional recreational or ecological significance. The standards (in section .0216) state that the commission may "classify certain unique and special surface waters of the state as outstanding resource waters (ORW) upon a finding that such waters are of exceptional state or national or ecological significance and that the waters have exceptional water quality while meeting the following conditions:

- (1) there are no significant impacts from pollution with the water quality rated as excellent based on physical, chemical, and/or biological information;
- (2) the characteristics which make these waters unique and special may not be protected by the assigned narrative and numerical water quality standards;
- (b) Outstanding Resource Values. In order to be classified as ORW, a water body must exhibit one or more of the following values or uses

to demonstrate it is of exceptional state or national recreational or ecological significance;

- (1) there are outstanding fish (or commercially important aquatic species) habitat and fisheries;
- (2) there is an unusually high level of water-based recreation or the potential for such recreation;
- (3) the waters have already received some special designation such as a North Carolina or National Wild and Scenic River, Native or Special Native Trout Waters, National Wildlife Refuge, etc., which do not provide any water quality protection;
- (4) the waters represent an important component of a state or national park or forest; or
- (5) the waters are of special ecological or scientific significance such as habitat for rare or endangered species or as areas for research and education." The standards outline a petition process by which persons may request that the state designate ORW.

North Dakota: Department of Health
Division of Water Supply and Pollution Control
1200 Missouri Avenue, Room 203
Bismarck, North Dakota 58505
(701) 224-2354

North Dakota has a general antidegradation policy that requires that the State "maintain and improve" the quality of waters in the State. (North Dakota Department of Health Rule 33-16-02-01) There is no use classification that corresponds to ONRW.

Ohio: Environmental Protection Agency
Waste Water Pollution Control
361 E. Broad Street
P.O. Box 1049
Columbus, Ohio 43215
(614) 466-7427

Ohio's water quality standards require that existing instream uses be "maintained and protected." (Ohio Administrative Code 3745-1-05) The standards also make provision for a use category, "State resource waters," which are "surface waters of the state that lie within national, state, and metropolitan park systems, wetlands, and wildlife refuges, areas, and preserves, and also include wild, scenic, and recreational rivers, publicly owned lakes and reservoirs and waters of exceptional recreational or ecological significance ..." In such waters, "present ambient water quality ... will not be degraded for all substances determined to be toxic or to interfere with any designated use as determined by the director of the Ohio environmental protection agency."

Oklahoma: Water Resources Board
Water Quality Division
1000 NE 10th, 12th Floor
Oklahoma City, Oklahoma 73152
(405) 271-2555

The antidegradation policy enunciated in Section 3 of Oklahoma's water quality standards says, "No degradation shall be allowed in high quality waters which constitute an outstanding resource, or in waters of exceptional recreational or ecological significance. These include water bodies located in National and State Parks, forests, wilderness areas, wildlife management areas, wildlife refuges and streams designated as "critical habitat" under the Federal Endangered Species Act listed in Appendix B. These also include streams designated Scenic River in Appendix A. Under the standards, the waters of Lake of the Arbuckles and other waters of the Chickasaw National Recreation Area are accorded special protection.

In the specific standards for streams and stream segments, waters designated for beneficial use limitation (which includes "scenic river areas") are precluded from having any new point source discharges or from increases in existing discharges. Those limitations apply to discharges into the Lake of the Arbuckles itself but are not necessarily applicable to discharges into streams that are tributaries of the lake.

Oregon: Department of Environmental Quality
Water Quality Division
Executive Building
811 SW Sixth Avenue
Portland, Oregon 97204
(503) 229-5324

Oregon's antidegradation policy is that existing high quality waters must be maintained and protected. In addition, it states, "In no event, however, may degradation of water quality interfere with or become injurious to the beneficial uses of water within surface waters of the following areas: (A) National Parks; (B) National Wild and Scenic Rivers; (C) National Wildlife Refuges; (D) State Parks." (Oregon Administrative Rules 340-41-026(1)(a))

Pennsylvania: Department of Environmental Resources
Bureau of Water Quality Management
P.O. Box 2063 -- 11th Floor/Fulton Bldg.
200 N. 3rd Street
Harrisburg, Pennsylvania 17120
(717) 787-2666

The Pennsylvania act that contains a statement that is equivalent to an antidegradation statement declares that, "It is the policy of the Clean Streams Law not only to prevent further pollution of the waters of the Commonwealth, but also to reclaim and restore to a clean, unpolluted condition every stream in Pennsylvania that is presently polluted." (Pennsylvania Statutes 35-5-691.4(3))

The water quality standards have Exceptional Value Waters which are defined as, "A stream or watershed which constitutes an outstanding national, state, regional or local resource, such as waters of national, state or county parks or forests, or waters that are used as a source of unfiltered potable water supply, or waters of wildlife refuges or state game lands, or waters which have been characterized by the Fish Commission as "Wilderness Trout Streams," and other waters of substantial recreational or ecological significance." Any discharges to such waters must be of ambient water quality. Ambient stream concentration is defined as, "The range in concentration or level of a water quality parameter which would be expected to occur in the absence of human activities. The value is normally determined from quality measurements of waters that are not affected by waste discharges or other human activities." (Pennsylvania Code 25-93.1)

Rhode Island: Department of Environmental Management
Division of Water Resources
75 Davis Street, 209 Cannon Bldg.
Providence, Rhode Island 02908
(401) 277-2234

The water quality standards for Rhode Island contain a general policy of maintaining and protecting water quality. In Rhode Island Water Quality Regulations, section 7.3, the rule states, "Discharges Shall Not Degrade High Quality Waters -- No person shall place or discharge into any waters of the State pollutants which the Director determines would result in the degradation of any water quality criterion of the receiving waters or downstream waters whose quality is higher than the minimum required by the water quality standards assigned to such waters." In addition, "no new discharges shall be permitted in Class A or SA waters or into waters designated Class B, C, D, SB, or SC which have attained Class A or SA quality." There is no use category that is equivalent to ONRW or any reference to national resource waters.

**South
Carolina:**

Department of Health and Environmental Control
Environmental Quality Control
Bureau of Wastewater and Stream Quality Control
2600 Bull Street
Columbia, South Carolina 29201
(803) 734-5300

In South Carolina, existing water uses and the level of water quality necessary to protect those uses must be maintained and protected regardless of the water classification, according to the State's water classification standards. (South Carolina Code of Regulations, Chapter 61, Regulation 68-C-1) The rule additionally states, "The water quality of Class AA and SAA surface waters shall be maintained in as natural a condition as feasible, within the Department's statutory authority." For such waters, no discharges or dumping are permitted; construction of boat docking facilities may be permitted if existing uses are maintained and protected. Activities that may discharge upstream or in tributaries of such waters may be allowed if water quality and existing uses will be maintained and protected in the AA and SAA waters.

Class AA waters are defined as "freshwaters which constitute an outstanding recreational or ecological waters resource or those waters suitable as a source of drinking water supply ..." Class SAA waters are defined as "tidal saltwaters which constitute an outstanding recreational or ecological resource."

The rule defines the term "Outstanding recreational or ecological resource waters" as "waters which are of exceptional recreational or ecological importance. Such waters may include, but are not limited to: waters in national parks or wildlife refuges; waters supporting threatened or endangered species; waters under the National Wild and Scenic Rivers Act or South Carolina Scenic Rivers Act; waters known to be significant nursery areas for commercially important species or known to contain significant commercial or public shellfish resources; or waters used for or having significant value for scientific research and study. Such waters may be protected using Classes AA or SAA."

South Dakota: Department of Water and Natural Resources
Office of Drinking Water
Joe Foss Building, Room 209
120 E. Capitol
Pierre, South Dakota 57501
(605) 773-3351

South Dakota's antidegradation policy is stated in South Dakota Codified Laws, Title 34A-2-22 which states, "No person may discharge

any wastes into any waters of the state which reduce the quality of such waters below the water quality level existing on March 27, 1973." Such discharges may be permitted if justifiable for necessary economic and social development. There is no reference to the protection of high quality waters or to a use classification equivalent to ONRW.

Tennessee: Department of Public Health
Bureau of Environmental Health
Water Quality Control Division
344 Cordell Hull Bldg.
Nashville, Tennessee 37219
(615) 741-3111

Tennessee's Water Quality Control Act states, "It is further declared that the purpose of this part is to abate existing pollution of the waters of Tennessee, to reclaim polluted waters, to prevent future pollution of the waters, and to plan for the future use of the waters so that the water resources of Tennessee might be used and enjoyed to the fullest extent consistent with the maintenance of unpolluted waters." (Tennessee Code 69-3-102(b))

The Water Quality Criteria also state that, "no degradation shall be allowed in high quality waters which constitute an outstanding National resource, such as; waters of National and State parks and wildlife refuges, and waters of exceptional recreational and ecological significance." (Rules and Regulations of the State of Tennessee 1200-4-3-.06)

Texas: Texas Water Commission
P.O. Box 13087
Capitol Station
Austin, Texas 78711
(512) 463-8452

Texas does not have a water use classification that corresponds to ONRW. It does have an explicit antidegradation policy that states, "Outstanding national resource waters are defined as high quality waters within or adjacent to national parks and wildlife refuges, wild and scenic rivers designated by law, or other waters of exceptional recreational or ecological significance. The quality of outstanding national resource waters will be maintained and protected." (Texas Administrative Code 31-307.5(b)(3)) There are no waters designated as ONRW to date and no information on how the antidegradation provisions are to be implemented.

NPS managers should note that, although there is no ONRW classification, these standards give NPS the ability to petition the state

for protection from water quality degradation adjacent to a park. Few State processes recognize the relationship between water resources outside unit boundaries and potential adverse effects. This could be a strong tool for NPS under the right circumstances.

Utah:

Division of Environmental Health
Bureau of Water Pollution Control
P.O. Box 2500
150 W. North Temple
Salt Lake City, Utah 84013
(801) 533-6146

"Anti-degradation segments" are the counterpart of ONRW in Utah. The Utah Water Quality Standards state, "Waters of high quality which serve, or which may be reasonably expected to serve, as raw water sources for drinking water supplies or which have been determined by the Committee to be a State or National resource requiring protection shall be maintained at existing high quality through designation, by the Committee after public hearing, as anti-degradation segments. New point source discharges of wastewater, treated or otherwise, are prohibited in such segments after the effective date of designation." (Standards of Quality for Waters of the State, section 2.3.2) To date, the only designated anti-degradation segments in Utah appear to be for drinking water sources rather than as "State or National resources." The Committee has designated all surface waters within the boundaries of U.S. National Forests whether on public or private lands as anti-degradation segments, presumably because they are municipal watersheds or sources of drinking water.

Vermont:

Department of Water Resources
103 South Main Street
Waterbury, Vermont 05676
(802) 244-5638

Vermont's water quality standards allow for the designation of "Outstanding Resource Waters." They are defined as, "waters of the state designated by the board as having exceptional natural, recreational, cultural or scenic values (V.S.A., Title 10, section 1422.) The board may on its own, or in response to a petition, decide to convene a public hearing on the question of whether to designate outstanding resource waters. Issues to be considered by the board may include but are not limited to:

- "(1) existing water quality and current water quality classification,
- (2) the presence of aquifer protection areas,
- (3) the waters' value in providing temporary water storage for flood water and storm runoff,
- (4) the waters' value as fish habitat,

- (5) the waters' value in providing or maintaining habitat for threatened or endangered plants or animals,
- (6) the waters' value in providing or maintaining habitat for wildlife, including stopover habitat for migratory birds,
- (7) the presence of gorges, rapids, waterfalls, or other significant geologic features,
- (8) the presence of scenic areas and sites,
- (9) the presence of rare and irreplaceable natural areas,
- (10) the presence of known archeological sites,
- (11) the presence of historic resources, including those designated as historic districts or structures,
- (12) existing usage and accessibility of the waters for recreational, educational, and research purposes and for other public uses,
- (13) studies, inventories, and plans prepared by local, regional, statewide, national, or international groups or agencies, that indicate the waters in question merit protection as outstanding resource waters,
- (14) existing alterations, diversions, or impoundments by permit holders under state or federal law.

Virginia:

State Water Control Board
P.O. Box 11143
Richmond, Virginia 23230
(804) 367-0056

Virginia has a general antidegradation policy. It also has recognizes "High Quality State Resource Waters." The Water Quality Standards state, "Where high quality waters constitute an outstanding 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 to prevent permanent or long-term degradation or impairment of beneficial uses of the water." (VR680-21-01.3(B))

To date, the waters identified by the state as Outstanding State Resource Waters are designated State Scenic Rivers, Class I and II trout streams, and waters containing federally-listed endangered or threatened species.

Washington:

Department of Ecology
Office of Water Programs
Olympia, Washington 98504
(206) 459-6000

Under the Washington Water Quality Standards, existing beneficial uses of waters in the State shall be maintained and protected. They also state, "No degradation will be allowed of waters lying in national parks,

national recreation areas, national wildlife refuges, national scenic rivers, and other areas of national ecological importance." (Washington Administrative Code 173-201-035(8)(b)) There are no specific implementing provisions to date.

West Virginia: Department of Natural Resources
Division of Water Resources
1800 E. Washington Street
Charleston, West Virginia 25305
(304) 348-2107

There is a general antidegradation statement as part of the West Virginia Water Quality Standards. In addition, the State has mandated that the following waters, at a minimum, shall be designated as "National Resource Waters:" (a) All federally designated rivers under the Wild and Scenic Rivers Act ... (b) All naturally producing trout streams. (c) All streams and other bodies of water in State and National forests and Parks and Recreation Areas. (d) National Rivers ..." (West Virginia Code of State Regulations 46-1-7.3.b)

The standards also state, "In all cases, waters which constitute an outstanding national resource as designated in section 7.3.b shall be maintained and protected and improved where necessary." (WVCSR 46-1-4.1.g)

Wisconsin: Department of Natural Resources
Division of Environmental Standards
Bureau of Water Resources and Management
P.O. Box 7921
Madison, Wisconsin 53707
(608) 266-2121

Wisconsin includes an antidegradation policy in its water quality standards and has designated outstanding resource waters, which provide the equivalent of ONRW protection. Outstanding resource waters include "all rivers designated under the national wild and scenic rivers act, as amended, 16 USC 1271 to 1287 ... including:

1. St. Croix River between the northern boundary of the Hudson city limits and the St. Croix flowage dam in Douglas county except that the portion of the St. Croix river from the northern boundary of the St. Croix Falls city limits to a distance one mile below the STH 243 bridge at Osceola shall be classified exceptional resource waters under s. NR 102.11.
2. Namekagon river between its confluence with the St. Croix and the outlet of Lake Namekagon in Bayfield county."

Waters so designated "may not be lowered in quality." (s. NR 102.10(1) and (2))

Wyoming:

**Department of Environmental Quality
Water Quality Division
122 West 25th Street
Cheyenne, Wyoming 82002
(307) 777-7781**

Class I waters in Wyoming provide a level of protection that is equivalent to ONRW designation. "All surface waters located within the boundaries of National Parks," are classified as Class I. "No new point source discharges, other than dams may discharge and no existing point source, other than dams, may increase its quantity of pollution discharge to any water designated as Class I." (Quality Standards for Wyoming Surface Waters, Section 8.b.) In addition, the state "shall impose whatever controls are necessary on point source discharges, other than dams, to tributaries of Class I waters. Such discharges shall not degrade the quality of any Class I water below its existing quality." (Section 8.c.)