NYS Water Quality Standards

Under the Clean Water Act (CWA), states establish water quality standards (WQS). DEC enforces the CWA in NYS, and has to certify the project won't violate our WQS.

First you need to learn the classifications of surface waters, and their best uses. Below are the ones that are found along the pipeline route in NYS (AA, B, C, D, T, TS). There is not supposed to be any degradation of water quality.

New York Water Quality Classifications
6 NYCRR § 700 - New York Codes, Rules, and Regulations (NYCRR)

<u>§ 701.1 General conditions applying to all water classifications</u>
The discharge of sewage, industrial waste or other wastes shall not cause impairment of the best usages of the receiving water as specified by the water classifications at the location of discharge and at other locations that may be affected by such discharge.

Class AA fresh surface waters
(a) The best usages of Class AA waters are: a source of water supply for drinking, culinary or food processing purposes; primary and secondary contact recreation; and fishing. The waters shall be suitable for fish, shellfish, and wildlife propagation and survival.
(b) This classification may be given to those waters that, if subjected to approved disinfection treatment, with additional treatment if necessary to remove naturally present impurities, meet or will meet New York State Department of Health drinking water standards and are or will be considered safe and satisfactory for drinking water purposes.

Class B fresh surface waters
The best usages of Class B waters are primary and secondary contact recreation and fishing. These waters shall be suitable for fish, shellfish, and wildlife propagation and survival.

Class C fresh surface waters
The best usage of Class C waters is fishing. These waters shall be suitable for fish, shellfish, and wildlife propagation and survival. The water quality shall be suitable for primary and secondary contact recreation, although other factors may limit the use for these purposes.

Class D fresh surface waters

The best usage of Class D waters is fishing. Due to such natural conditions as intermittency of flow, water conditions not conducive to propagation of game fishery, or stream bed conditions, the waters will not support fish propagation. These waters shall be suitable for fish, shellfish, and wildlife survival. The water quality shall be suitable for primary and secondary contact recreation, although other factors may limit the use for these purposes.

Trout waters (T or TS)

(a) The symbol (**T**), appearing in an entry in the "standards" column in the classification tables of Parts 800 through 941 of this Title, means that the classified waters in that specific item are trout waters. Any water quality standard, guidance value, or thermal criterion that specifically refers to trout or trout waters applies.

(b) The symbol (**TS**), appearing in an entry in the "standards" column in the classification tables of Parts 800 through 941 of this Title, means that the classified waters in that specific item are trout spawning waters. Any water quality standard, guidance value, or thermal criterion that specifically refer to trout, trout spawning, trout waters, or trout spawning waters applies.

N/A

Not applicable, no state fishery classification.

(Water quality standards based on the classification and best use of waterbody as determined by NYSDEC [6 NYCRR Parts 815, 879, 931]).

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Water quality standards for dissolved oxygen, and turbidity
DEC Regulations, Chapter X, Divisions of Water, Part 703.3

Dissolved Oxygen (DO)
For all New York Water Quality Classifications except **D** and **N/A**:
For trout spawning waters (**TS**), the DO concentration shall not be less than 7.0 mg/L from other than natural conditions. For trout waters (**T**), the minimum daily average shall not be less than 6.0 mg/L, and at no time shall the concentration be less than 5.0 mg/L. For non-trout waters, the minimum daily average shall not be less than 5.0 mg/L, and at no time shall the DO concentration be less than 4.0 mg/L.

Dissolved Oxygen (DO)
For New York Water Quality Classification **D**:
Shall not be less than 3.0 mg/L at any time.

<u>Turbidity</u>
For all New York Water Quality Classifications:
Shall not exceed 5 nephelometric units.

(Note: Fish, especially baby trout, need a lot of dissolved oxygen (>7.0 mg/L). They also need clear cold water, and will not survive if the water is too turbid (muddy), or too warm. However, construction in clay soils on steep slopes will cause a lot of turbid runoff. Clear-cutting will warm the water. Write about that.)

Narrative Water Quality Standards Chart

Remember and apply these two points:

<u>Turbidity</u>
"There shall be no increase in turbidity that will cause a substantial visible contrast to natural conditions."

DEC's water quality standard for turbidity, a water quality parameter that is strongly correlated to inputs of sediment and other solids, is stringent as there can be no visible increase in turbidity caused by the project or activity (in this case the construction of the proposed Constitution Pipeline).

<u>Flow</u>
"There shall be no alteration to flow that will impair the waters for their best usages." When they withdraw water, there will be less flow, and it will be easier to "adversely affect the taste, color or odor thereof."