

Title 117 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 3 - ANTIDegradation Clause

001 The water quality of surface waters, consistent with uses applied in these Standards, shall be maintained and protected. Water quality degradation which would adversely affect existing uses will not be allowed.

002 State Resource Waters - Class A - These are 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.

003 State Resource Waters - Class B - These are surface waters, whether or not they are designated in these Standards, which possess an existing quality which exceeds levels necessary to maintain recreational and/or aquatic life uses. The existing water quality of these surface waters shall be maintained and protected. However, the State may choose, in accordance with Neb. Rev. Stat. § 81-1513, to allow lower water quality as a result of important and necessary economic or social development in the area. There shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable best management practices for nonpoint source control. In cases where potential water quality impairment associated with a thermal discharge is involved, the method of implementation of this antidegradation policy shall be consistent with Section 316 of the Clean Water Act.

004 In implementing this policy, the Department will follow the procedures outlined in the State's Continuing Planning Process.

Enabling Legislation: Neb. Rev. Stat. §§ 81-1501(1) and 81-1505(1)(2)

Legal Citation: Title 117, Ch. 3, Nebraska Department of Environmental Quality