

## Patrick Felch

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**From:** Kim Caviness  
**Sent:** Monday, May 10, 2021 2:22 PM  
**To:** Patrick Felch  
**Subject:** Fwd: Triennial Review of Water Quality Standards  
**Attachments:** Letter to Caviness dated 3-29-2021 re 10 day extension (03857457).pdf; Public Comment Period for Triennial Review of MS Water Quality Standards....pdf

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**From:** John Milner <jmilner@brunini.com>  
**Sent:** Monday, March 29, 2021 3:28:38 PM  
**To:** Kim Caviness <kcaviness@mdeq.ms.gov>  
**Cc:** Roy Furrh <Rfurrh@mdeq.ms.gov>; kwright@mma-web.org <kwright@mma-web.org>  
**Subject:** Triennial Review of Water Quality Standards

Kim,

Subject to my letter request submitted to you by e-mail this afternoon for a 10-day extension to submit written comments after today's deadline (attached again for convenience), below is a partial submission of comments concerning the proposed revisions to Water Quality Standards in Mississippi (i.e., Part 6: Chapter 2: Mississippi Commission on Environmental Quality Regulations for Water Quality Criteria for Intrastate, Interstate, and Coastal Waters)( <https://www.mdeq.ms.gov/water/surface-water/watershed-management/water-quality-standards/>) for your consideration:

Page 3, E. Site Specific Modified Criteria: this condition states that modified aquatic life criteria must be based on natural conditions. That is a rather vague specification and, because all that is seemingly required is "scientifically defensible methods," is perhaps not a necessary specification.

Page 7, (23), Waters of the State: There appears to be a new definition for Waters of the State which is rather inclusive, and specifically includes underground waters. That said, it does exclude "lakes, ponds, or other surface waters which are wholly landlocked and privately owned, and which are not regulated under the Clean Water Act."

Page 8, B.: states that all Waters of the State default to the Fish and Wildlife Classification (which includes aquatic life, fish consumption, and secondary contact recreation). It is unclear if or how this would apply to underground waters.

Page 9, Table 1 and Page 23: The proposed rule adds three new water classifications: Modified Fish and Wildlife, Drainage Waters, and Outstanding Mississippi Water. Drainage waters "share the same water quality criteria as Fish and Wildlife waters with the exception of any modified criteria . . . established for a waterbody. . ." This could be troublesome for many drainage waters and seems at odds with the discussion earlier in the paragraph where it is stated that "typical conditions within these waters are not adequate to support the reproductive cycles of fish and other aquatic life."

Page 22, (2) and (3): the proposed rule indicates a "correction" of criteria for specific conductance and Total Dissolved Solids, lowering the conductivity criteria and raising the TDS criteria. These criteria could be problematic for discharges to drainage or other waters.

Page 23, as regards Drainage Waters, as written, this suggests that forest roadside ditches could be included in the Drainage Waters category and, therefore, ditches could be subject to water quality standards. Whether this is indeed intended should be clarified.

Pages 28-34, D, E, F: The proposed rule lays out new language for Compliance Schedules, Variances, and Use Attainability Analyses. Having such provisions in a water quality standards package is usually considered helpful and is becoming common in state programs. However, it may be advisable to have an attorney familiar with such language review these provisions for content and coverage.

I hope that you will consider and approve the attached 10-day comment extension request I sent on behalf of MMA.  
Thanks

Respectfully submitted,

John Milner  
MMA Environmental Counsel

**John E. Milner**

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