



*Florida Department of
Environmental Protection*

Designated Uses

Clean Water Act Requirements

Division of Environmental Assessment & Restoration
Drew Bartlett, Assistant Director



Clean Water Act - Section 101(a)(2)

The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. In order to achieve this objective it is hereby declared that, consistent with the provisions of this Act – it is the national goal that **wherever attainable**, an interim goal of water quality which provides for the **protection of fish, shellfish, and wildlife and provides for recreation in and on the water** be achieved by July 1, 1983





Clean Water Act

Such revised or new water quality standard shall consist of the designated uses of the navigable waters involved and the water quality criteria for such waters based upon such uses. Such standards shall be such as to protect the public health or welfare, enhance the quality of the water and serve the purposes of this Act.

Such standards shall be established taking into consideration their use and value for **public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other purposes, and also taking into consideration their use and value for navigation.**





40 CFR 131.10(a)

The classification of the waters of the State must **take into consideration** the use and value of water for public water supplies, protection and propagation of fish, shellfish, and wildlife, recreation in and on the water, agricultural, industrial, and other purposes including navigation. **In no case shall a State adopt waste transport or waste assimilation** as a designated use for any waters of the United States.





40 CFR 131.10(c)

States may adopt sub-categories of a use and set the appropriate criteria to reflect varying needs of such subcategories of uses, for instance, to differentiate between cold water and warm water fisheries.



40 CFR 131.10(f)

States may adopt seasonal uses as an alternative to reclassifying a water body or segment thereof to uses requiring less stringent water quality criteria. If seasonal uses are adopted, water quality criteria should be adjusted to reflect the seasonal uses, however, such criteria shall not preclude the attainment and maintenance of a more protective use in another season.



Definition: 40 CFR 131.3(g)

Use Attainability Analysis is a structured scientific assessment of the factors affecting the attainment of the use which may include physical, chemical, biological and economic factors as described in 131.10(g)



40 CFR 131.10(h)

States may not remove designated uses if:

- (1) They are existing uses, as defined in Section 131.3, unless a use requiring more stringent criteria is added; or
- (2) Such uses will be attained by implementing effluent limits required under Sections 301(b) and 306 of the Act and by implementing cost-effective and reasonable best management practices for nonpoint source control.



Definition: 40 CFR 131.3(e)

Existing uses are those uses actually attained in the water body on or after November 28, 1975, whether or not they are included in the water quality standards.



40 CFR 131.10(j)

A State must conduct a use attainability analysis as described in 131.3(g) whenever:

- (1) The State designates or has designated uses that do not include the uses specified in Section 101(a)(2) of the Act; or
- (2) The State wishes to remove a designated use that is specified in Section 101(a)(2) of the Act or to adopt subcategories of uses specified in Section 101(a)(2) of the Act which require less stringent criteria.



Conclusion

The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. In order to achieve this objective it is hereby declared that, consistent with the provisions of this Act – it is the national goal that **wherever attainable**, an interim goal of water quality which provides for the **protection of fish, shellfish, and wildlife and provides for recreation in and on the water** be achieved by July 1, 1983

