7050.0170 NATURAL WATER QUALITY.

The waters of the state may, in a natural condition, have water quality characteristics or chemical concentrations approaching or exceeding the water quality standards. Natural conditions exist where there is no discernible impact from point or nonpoint source pollutants attributable to human activity or from a physical alteration of wetlands. Natural background levels are defined by water quality monitoring. Where water quality monitoring data are not available, background levels can be predicted based on data from a watershed with similar characteristics.

Where natural background levels do not exceed applicable standards, the addition of pollutants from human activity and resulting point or nonpoint source discharges shall be limited such that, in total, the natural background levels and the additions from human activity shall not exceed the standards. When reasonable justification exists to preserve the higher natural quality of a water resource, the commissioner may use the natural background levels that are lower than the applicable site-specific standards to control the addition of the same pollutants from human activity. The reasonable justification must meet the requirements under parts 7050.0250 to 7050.0335.

Where background levels exceed applicable standards, the background levels may be used as the standards for controlling the addition of the same pollutants from point or nonpoint source discharges in place of the standards.

In the adoption of standards for individual waters of the state, the agency will be guided by the standards herein but may make reasonable modifications of the same on the basis of evidence brought forth at a public hearing if it is shown to be desirable and in the public interest to do so in order to encourage the best use of the waters of the state or the lands bordering such waters.

Statutory Authority: *MS s 115.03; 115.44*

History: *9 SR 913; 12 SR 1810; 18 SR 2195; 9 SR 913; 12 SR 1810; 18 SR 2195; 41 SR 545*

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