

7052.0330 NONDEGRADATION DECISION.

Once the agency determines that the information provided by the discharger proposing a new or expanding discharge is complete, the agency must use that information to determine:

A. whether the lowering of water quality is necessary because the agency determines there is no pollution prevention or alternative technology available that would avoid the lowering of water quality; and

B. if the lowering of water quality is necessary, whether or not it will support important social and economic development in the area.

If the proposed lowering of water quality is either unnecessary because of pollution prevention or alternative technology availability, or will not support important social and economic development, the agency must deny the request to lower water quality. If the lowering of water quality is necessary, and it will support important social and economic development, the agency must allow that part of the proposed lowering necessary to accommodate the important social and economic development, except that the agency must not allow water quality to be lowered below the minimum level required to fully support existing and designated uses. The preliminary decision of the agency is subject to the public notice requirements under chapter 7001.

If BTPT is required under part 7052.0310, subpart 2, for a new or expanded point source discharge of a BSIC to an OIRW, the agency must review and approve the BTPT analysis and require the discharger to install and use the BTPT. The preliminary decision of the agency is subject to the public notice requirements under chapter 7001.

Statutory Authority: *MS s 115.03; 115.44*

History: *22 SR 1466*

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