



**Discussion Outline to Determine What Constitutes "Maximum Benefit"
In Accordance with State Anti-Degradation Policy (Res. 68-16)**

Assuming that:

- 1) Receiving water quality is better than the applicable water quality objective,
- 2) The discharge will not unreasonably affect beneficial uses in the receiving water,
- 3) The discharge will not cause or contribute to an exceedance of water quality objectives,
- 4) The discharger implements Best Practicable Treatment or Control (BPTC),

Then lower water quality is permissible where doing so provides "maximum benefit to the people of the State." Examples of such benefits may include, but are not limited to, situations where:

- 1) Lower water quality is spatially-limited and temporary condition. Example: deep-well injection projects where recycled water is stored for later extraction.
- 2) Lowering water quality at one location will result in higher water quality in the same or another location such that there is a net improvement in water quality and beneficial use protection in the receiving water, watershed, region or state as a whole. Example: a groundwater clean-up project that increases the concentration of TDS by using air-stripping to remove TCE
- 3) Lowering water quality will result in more effective protection of actual beneficial uses than would occur by imposing more stringent effluent limitations or prohibiting the discharge. Example: the discharge is coupled with a project to provide well-head treatment or alternate drinking water supplies where the MUN use is severely impaired.

- 4) Lowering water quality would facilitate increased use of recycled water (particularly by displacing demand for potable water) and thereby increase the overall water supply in the watershed, region or state. Example: using recycled water for landscape or agricultural irrigation.
- 5) Lowering water quality would facilitate increased recharge and storage to groundwater basins and particularly where the underlying aquifer is in an overdraft condition.
- 6) Lowering water quality is necessary to accommodate important social and economic growth in the region particularly where more stringent effluent limitations or discharge prohibitions would result in widespread and substantial adverse socioeconomic impacts in the area.
- 7) Lowering water quality would produce less adverse environmental impact than imposing more stringent effluent limitations or discharge prohibitions. Example: additional treatment results in significant cross-media waste streams (e.g. brines, greenhouse gases, etc.) or requires significant energy consumption without any corresponding reduction in risk to public health or the environment.
- 8) Lowering water quality is necessary to preserve beneficial uses that may otherwise be lost if discharge flows are significantly diminished in order to comply with more stringent effluent limitations. Example: preservation of aquatic habitat or recreational resources in an ephemeral/intermittent stream.
- 9) Allowing lower water quality in the discharge will reduce the rate at which water quality is already degrading (or is expected to degrade) in the receiving water. Example: creating barriers to groundwater migration or diluting contaminants in the vadose zone.

Other Qualifying Conditions/Examples?