

19-5-110 Designation by governor of areas with quality control problems -- Classification of waters -- Adoption of standards of quality.

- (1) The governor may identify and designate by boundary, or make a determination not to designate, areas within the state which, as a result of urban-industrial concentration or other factors, have substantial water quality control problems, and designate planning agencies and waste treatment management agencies for these areas.
- (2) The board may group the waters of the state into classes according to their present most reasonable uses, and after public hearing, upgrade and reclassify from time to time the waters of the state to the extent that it is practical and in the public interest.
- (3)
 - (a) The board may establish standards of quality for each classification consistent with most reasonable present and future uses of the waters, and the standards may be modified or changed from time to time.
 - (b) Prior to classifying waters, setting quality standards or modifying or repealing them the board shall conduct public hearings for the consideration, adoption, or amendment of the classifications of waters and standards of purity and quality.
 - (c) The notice shall specify the waters concerning which a classification is sought to be made for which standards are sought to be adopted and the time, date, and place of the hearing.
 - (d) The notice shall be:
 - (i) published:
 - (A) at least twice in a newspaper of general circulation in the area affected; and
 - (B) as required in Section 45-1-101; and
 - (ii) mailed at least 30 days before the public hearing to the chief executive of each political subdivision of the area affected and to other persons the board has reason to believe will be affected by the classification and the setting of standards.
- (4)
 - (a) The adoption of standards of quality for the waters of the state and classification of the waters or any modification or change in classification shall be effectuated by an order of the board which shall be published:
 - (i) in a newspaper of general circulation in the area affected; and
 - (ii) as required in Section 45-1-101.
 - (b) In classifying waters and setting standards of water quality, adopting rules, or making any modification or change in classification or standards, the board shall allow and announce a reasonable time, not exceeding statutory deadlines contained in the federal Clean Water Act, for persons discharging wastes into the waters of the state to comply with the classification or standards and may, after public hearing if requested by the permittee, set and revise schedules of compliance and include these schedules within the terms and conditions of permits for the discharge of pollutants.
- (5) Any discharge in accord with classification or standards authorized by a permit is not pollution for the purpose of this chapter.

Amended by Chapter 388, 2009 General Session