

## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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SUBJECT: Definitions of WQS Terms

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TO: Regional WQS Coordinators

This memorandum transmits definitions of several terms used in the water quality standards program and is the result of a suggestion by one region that such information would be useful. As the people associated with the standards program change over the years, indeed as the program itself changes, difficulties sometimes creep into the language we use. Moreover, words tend to acquire new meanings or drop out of use altogether.

I trust the following definitions and information will clear any existing confusion about terminology relating to changes in use classifications and criteria in water quality standards.

DOWNGRADES: Applies solely to the beneficial use designation of a water body and is used to describe the downward reclassification of a water body when the current designated use requires more stringent water quality criteria than are currently being attained. States must justify this action as required by 40 CFR 35.1550(c)(3). Downgrades are an appropriate item for review during the three-year review process, but such a review is not mandatory, *once a downgrade has been approved*.

VARIANCE: Applies solely to a water quality criterion (criteria) and is an allowable deviation from meeting water quality standards based effluent limitation for a particular discharger. EPA may accept such variances as part of State WQS as long as they are consistent with the substantive requirements of 40 CFR 35.1550. "Variances" are granted for a specific period of time and must be rejustified upon expiration but at least every three years. "Variances" may adversely affect but not eliminate the designated use. A "variance" granted to a particular discharger on a stream segment does not exempt other dischargers from meeting the effluent limitations necessary to maintain water quality standards. The basis for a "variance" is OGC Opinion #58. 1/

1/ OGC Opinion #58 occasionally uses the word exception instead of variance. For simplicity we will use only the term "variance."