

This document does not substitute for EPA regulations; nor is it a regulation itself. Thus, it does not and cannot impose legally binding requirements on the EPA, the states, tribes or the regulated community, and may not apply to a particular situation based on the circumstances. If there are any differences between this web document and the statute or regulations related to this document, the statute and/or regulations govern. The EPA may change this guidance in the future.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 3 1990

MEMORANDUM

OFFICE OF
WATER

SUBJECT: Option 3 of Section 303(c)(2)(B) Guidance

FROM: David K. Sabock, Chief *1/3/90 Sabock*
Standards Branch

TO: Fritz Wagener
Water Quality Standards Coordinator, Region IV

This is in reply to your memo of December 28, 1989 in which you raised the following question:

"If a State chooses to include a translator mechanism to meet in part or total the requirements of Section 303(c)(2)(B), must the State adopt site-specific criteria for each 307(a) toxic which has been identified as causing a use impairment for a given stream on or before February 4, 1990."

The direct answer to your question is--no. However, I think you mixed-up your terms in the question. If a state uses option 3, then when data are applied to the translator procedure the result is called a "derived numeric criteria." Although used for all water quality standards purposes, that resulting derived numeric criteria is never adopted by the state as a standard. That is the main reason numerous groups allege that option 3 is invalid. If a state actually adopted the derived numeric criteria as formal standards then it is no longer a pure option 3 approach because the State has formally adopted a numeric water quality standard. What Alabama and Mississippi must do to comply with the Act with option 3, is to adopt a narrative standard and a translator procedure by February 1990 and then apply that procedure as needed, i.e. whenever a permit is issued. The rationale for this is simple, Option 3 is an approach that allows the state to develop derived numeric criteria from time to time as needed based on a previously established and EPA approved procedure. Use of this option does put a burden on the Region to ensure that implementation is acceptable, i.e. that limits for toxics are being included in the permits as necessary.

cc: Water Quality Standards Coordinators, Regions 1 - 10