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Guidance on the Use of Criteria Contained in Quality Criteria for Water during the Review of State Water Quality Standards Revisions

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Problems Addressed

During discussions with Regional water quality standards coordinators, two issues were raised: (1) the use of the Agency's Quality Criteria for Water in water quality standards and (2) the nature of the criteria to be promulgated when a State water quality standard is disapproved.

Guidance

Section 303 of PL 92-500 and 40 CFR 130.17 require that a State designate water uses in its Water Quality Standards and the criteria to support those uses. When a State adopts criteria which are less stringent for pollutants than those published by the Agency in Quality Criteria for Water or a subsequent revision of same, a State should justify the less restrictive criteria. Failure to do so may be grounds for Federal promulgation.

Some unpolluted waters in the Nation may exceed designated criteria for particular constituents. There is variability in the natural quality of water and certain organisms become adapted to that quality, which may be considered extreme in other areas. Thus for those particular waters EPA can accept less stringent numerical criteria than those in Quality Criteria for Water when a State can justify such action because of natural background water quality. If such justification is insufficient then the numerical criteria should not be approved. Criteria for man-made or man-induced pollutants must be compatible with those found in the Quality Criteria for Water. Otherwise the State should be requested either to adopt more stringent criteria or satisfactorily justify a less restrictive beneficial use. When this request is not satisfied, Federal promulgation of the State water quality standard should occur.

Where a Federal promulgation of a State water quality standard is required, the appropriate numerical criteria contained in Quality Criteria for Water will be proposed. EPA water quality criteria for particular constituents will be proposed only when a State's adopted criteria are less stringent than the EPA water quality criteria. EPA will not add toxic and other water constituent criteria in such rulemaking under the current 40 CFR 130.17.

CONCURRENCES

SYMBOL	IRNAME	ATE						
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Rationale

Water quality criteria in Quality Criteria for Water have evolved over an extended time period beginning with the passage of the 1972 Amendments to the Federal Water Pollution Control Act. EPA's publication of water quality criteria will be modified and revised in the future, and the evolution of water quality criteria will continue as the state-of-the-art knowledge becomes enhanced. These are the Agency's criteria for levels of constituents in water that will protect aquatic life and human uses of water.

Obviously case-by-case justifications based on natural background levels may be made for specific waters for a constituent that is more lax than specified in Quality Criteria for Water. The Agency will give thoughtful consideration to all comments received within the public comment period in preparing final rulemaking.

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