

MAR 17 1986

MEMORANDUM

SUBJECT: Transmittal of Final §304(1) Implementation Guidance

FROM: Martha Prothro, Director
Permits Division

ORIGINAL SIGNED BY
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Geoff Grubbs, Director
Monitoring and Data Support Division

TO: OW Office Directors
OW Division Directors
Susan Lepow, OGC
Robert Wolcott, OPPE

Attached is a copy of the Final §304(1) Implementation Guidance. This guidance is being transmitted to all States and Regions and its availability is being announced in the Federal Register.

A draft final version of this guidance was sent to the States and Regions by memorandum of August 5, 1987 with instructions that the draft final guidance be used immediately for purposes of implementing the requirements of §304(1). Availability of the draft final guidance was also announced in a September 22, 1987 Federal Register notice. Numerous comments on the draft final guidance were received from Regions, States, POTWs, industries, and environmental groups. The guidance was revised based upon these comments. Overall, the final guidance is substantially the same as the draft final guidance; however, a number of changes were made:

- Relationship of §304(1) to the Ongoing Program: The guidance directs States to comply with the §304(1) statutory time frames and omits references to "phases." However, the guidance continues to recognize the ongoing nature of the national toxics program and the need to assess waters and develop controls after the §304(1) deadlines are met. Additional discussions of the relationship between §304(1) and §303(c)(2) have also been provided.
- Listing Waters and Point Sources: Clarification of "known" and "suspected" problems has been provided. In addition, a list of categories of waters to be evaluated when

developing lists of waters has been included. Procedures for "delisting" waters has also been added.

- o Individual Control Strategies: More explicit language has been added concerning an acceptable individual control strategy and stressing that compliance with water quality standards must be achieved by June 1992.

Implementation of the requirements of §304(1) is already underway in the Regions and States and we look forward to continuing to work with all groups to ensure that the statutory requirements are met. We are also developing regulations to both codify and interpret the requirements of §304(1) and to strengthen the ongoing national toxics control program. We will keep you apprised of this effort.

Please contact us if you have any questions on this final guidance. We appreciate the high quality assistance and persistence of everyone who helped in developing this draft guidance. Please convey our thanks to the appropriate members of your staff.

Attachments

bcc: Permits Division Staff
Monitoring and Data Support Division Staff
Appropriate Staff in other offices