



Water Quality Standards Review Requirements

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UDEQ General Process for Standards Changes

Compile supporting material and analyses

Present to Water Quality Standards Workgroup

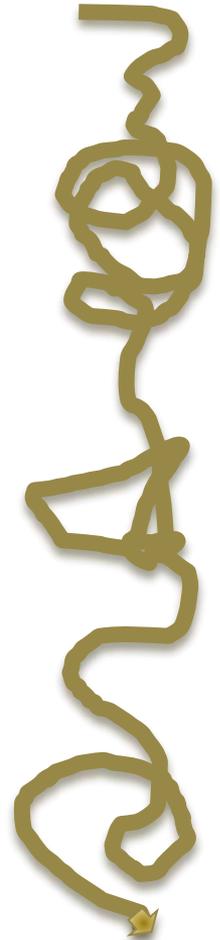
Request approval from Utah Water Quality Board to begin rulemaking

File changes with Division of Administrative Rules
Public participation requirements

Recommendations to Water Quality Board for Adoption

Water Quality Board Adoption

USEPA Approval/Disapproval



Minimum Requirements for WQS Submissions to EPA (40 CFR §131.6)

Whenever a state or tribe submits new or revised WQS, the submission will include the following:

- Use designations consistent with CWA 101(a)(2) and 303(c)
- Methods used and analyses conducted
- Criteria sufficient to protect designated uses
- Antidegradation policy consistent with 40 CFR § 131.12
- Certification of AG or other appropriate legal authority
- General policies: mixing zones, variances, compliance schedule authorizing provisions

Examples of Submission Documents

- Technical rationale documenting the basis for the proposed criteria
- Rule language for the proposed criteria
- Supporting analysis and materials
- Underlying data used to establish the criteria
- Public comments and responses and hearing transcripts
- Pdf of website documenting which materials were shared with the public and when

Example Criteria

Table 1 - Chlorophyll-a Interim Values

Waterbody Type	Value	DUWS
Lakes and Reservoirs, cold, > 25 acres	8 µg/L ^a	5 µg/L ^c
Lakes and Reservoirs, warm > 25 acres	20 µg/L ^a	
Lakes and Reservoirs, ≤ 25 acres	RESERVED	
Rivers and Streams cold	150 mg/m ² ^b	
Rivers and Streams warm	150 mg/m ² ^b	

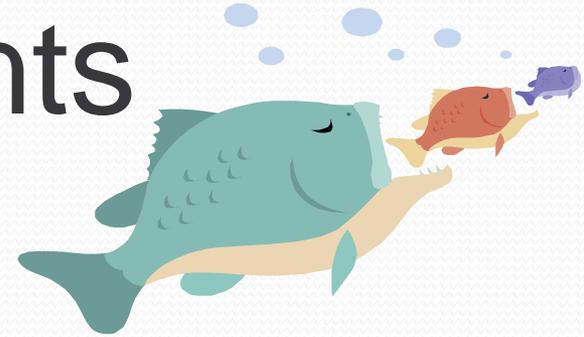
^a Summer (July 1-September 30) average chlorophyll a (µg/L) in the mixed layer of lakes (median of multiple depths), allowable exceedance frequency 1-in-5 years.
^b Summer (July 1 – September 30) maximum attached algae, not to exceed.
^c March 1-November 30 average chlorophyll-a (µg/L) in the mixed layer of lakes (median of multiple depths), allowable exceedance frequency 1-in-5 years.

EPA Reg Requirements



- State adopted criteria must meet the following requirements (40 CFR 131.11(a)):
 - Protect the designated uses, where multiple uses – criteria must be protective of the most sensitive use
 - Recommend criterion identify magnitude, duration and frequency
 - Be based on a sound scientific rationale
 - Include sufficient parameters (e.g., sufficient pollutants or constituents) to protect the designated use
- For nutrients, EPA has additional guidance on recommended criteria development approaches

EPA Reg Requirements



- EPA's regulations do not allow:
 - Criteria based on economic considerations
 - Criteria where the methods used to derive the criteria cannot be replicated
 - Criteria that are not scientifically defensible
- Use Attainability Analyses (UAAs) have additional review requirements

Timelines

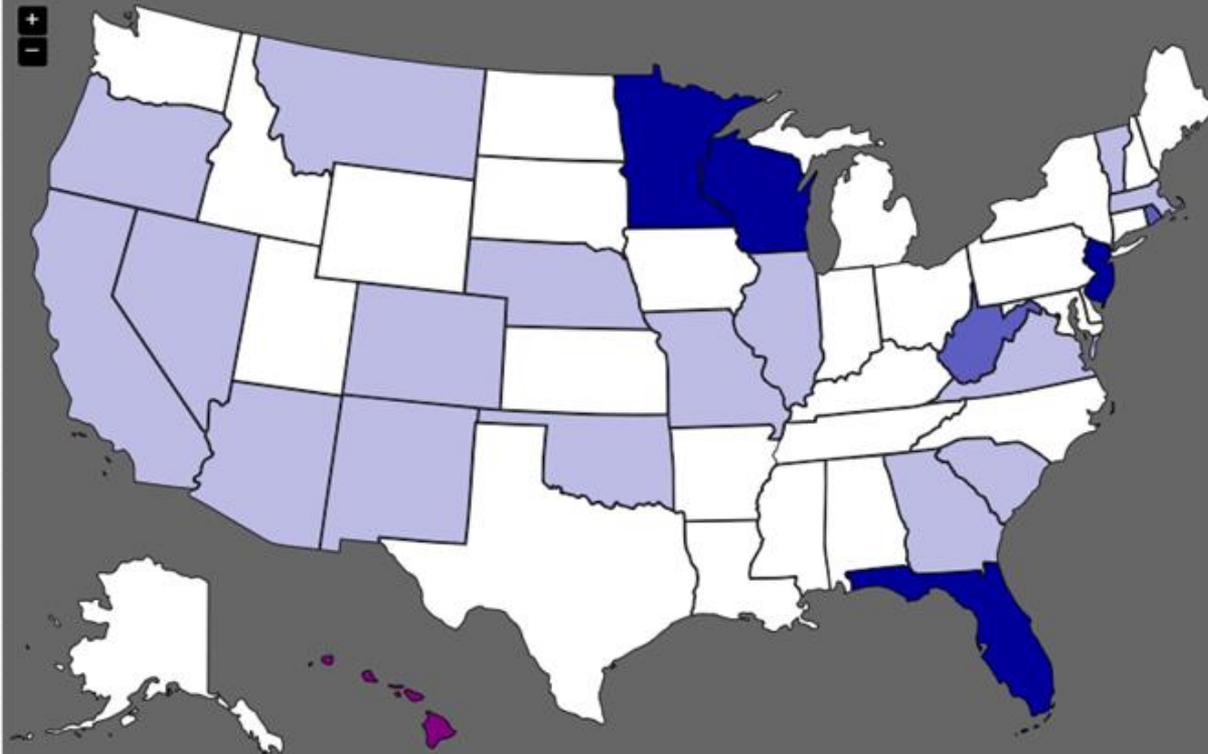
- **CWA § 303(c) requires EPA to review and approve/disapprove State WQS**
- For WQS approvals, **60 days** from the submission date to issue a letter (40 CFR § 131.21(a)(1)).
- For WQS disapprovals, **90 days** from the submission date to issue a letter and specify changes to bring the standards into compliance with the CWA (40 CFR § 131.21(a)(2)).
- The standards become applicable for CWA purposes after EPA approval (40 CFR § 131.21(c)).
- States must review standards at least once every 3 years (40 CFR § 131.20).

Nutrient Lessons Learned

- Communicate with EPA early in the process and often
- Novel approaches take more time and require more extensive reviews
- EPA approval requires adoption of numeric nutrient criteria that are scientific defensible and protect the most sensitive use
- Flexibilities can be provided through CWA-supported implementation tools (i.e., variances, compliance schedules)

States with Total Nitrogen or Total Phosphorus Criteria

1998 2008 2013 2014 2015 2016 Current 2017* 2018* 2019* 2020*



	District of Columbia
	American Samoa
	Commonwealth of Northern Marianas
	Guam
	Puerto Rico
	US Virgin Islands

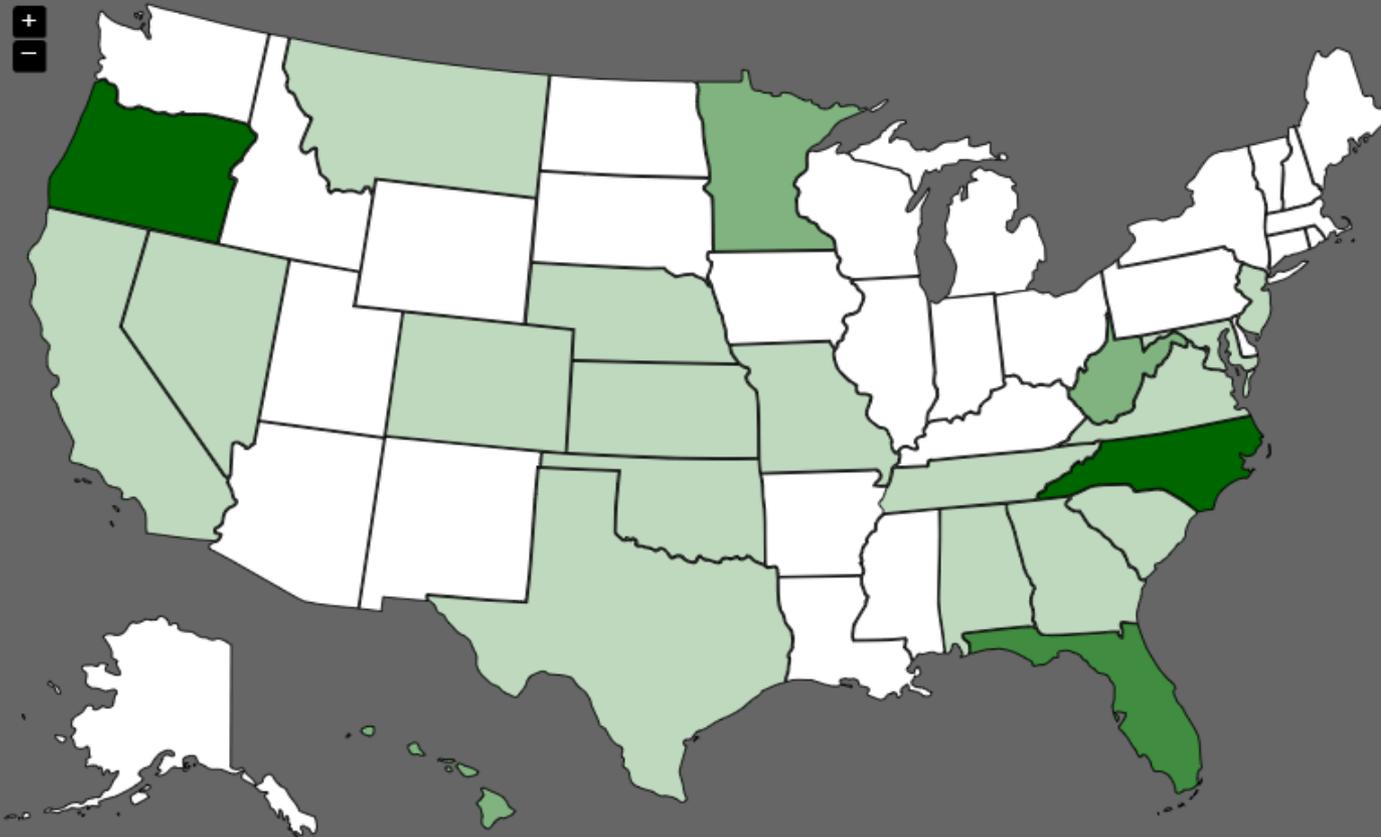
Level 5	Complete set of N and P criteria for all watertypes**
Level 4	2 or more watertypes with N and/or P criteria
Level 3	1 watertype with N and/or P criteria
Level 2	Some waters with N and/or P criteria
Level 1	No N and/or P criteria

* Progress expected by December 31st of the selected year based on milestone information provided by the state or territory.

** "Watertypes" on the national maps and tables within this webpage refers to three watertypes: lakes/reservoirs, rivers/streams, and estuaries. Criteria for additional watertypes are included under the State/Territory Details tab.

<https://www.epa.gov/nutrient-policy-data/state-progress-toward-developing-numeric-nutrient-water-quality-criteria>

States with Chlorophyll-a Criteria



	District of Columbia
	American Samoa
	Commonwealth of Northern Marianas
	Guam
	Puerto Rico
	US Virgin Islands

	Level C5 Complete set of chlor-a criteria for all watertypes*
	Level C4 2 or more watertypes with chlor-a criteria
	Level C3 1 watertype with chlor-a criteria
	Level C2 Some waters with chlor-a criteria
	Level C1 No chlor-a criteria

*"Watertypes" on the national maps and tables within this webpage refers to three watertypes: *lakes/reservoirs, rivers/streams, and estuaries*. Criteria for additional watertypes are included under the State/Territory Details tab.

Questions?

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