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Reference Guide to Water Quality Standards for Indian Tribes

Preface

The purpose of this booklet is to provide Indian Tribes with an overview of the water quality standards program requirements and with a guide to existing EPA reference materials on the program. The reference materials include applicable regulations, policies, guidance documents, and technical support documents and manuals.

The booklet is designed primarily for Indian Tribes that wish to qualify as States for the water quality standards program. Therefore, the text is written "Indian Tribes * * *." The complete term should read "States and Indian Tribes qualifying as States for the water quality standards program * * *." Because Indian Tribes qualifying for treatment as States for the water quality standards program and States must meet the same statutory and regulatory requirements, State and interstate agencies involved in establishing standards may find this booklet useful.

The booklet is divided into several chapters with each chapter containing a brief overview of the topic and lists of the appropriate references to consult for further information. The number following the reference refers to the number of the reference listed in Appendix A where the reader can obtain information on the full citation for the reference and on its availability. Chapter I is an introduction to the water quality standards program with an overview of the statutory and regulatory requirements. Chapters II and III discuss Tribal participation in the program, providing background information as well as a summary of the amendments to the water quality standards regulation that pertain to standards on Indian reservations. Chapters IV through VIII take the reader step-by-step through the development, adoption, and approval of water quality standards.

Included in the booklet are several appendices. Appendix A briefly describes the contents of available reference materials on the water quality standards program. Appendix B provides a list of contacts in EPA Regional Offices and Headquarters who can answer questions on water quality standards. Appendix C is a map of the geographical boundaries for the EPA Regional Offices. Appendix D contains a copy of Section 518 of the Clean Water Act.

We hope Indian Tribes will find this booklet useful for identifying and obtaining information needed to establish water quality standards for reservation waters.

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Table of Contents

I. Introduction 1
A. Clean Water Act 1
B. Water Quality Standards 1
C. EPA Authority 1
D. Tribal Authority 1

II. Background to Tribal Participation in the Water Quality Standards Program 3
A. EPA's Indian Policy 3
B. Section 518 of the Clean Water Act Amendments of 1987 3

III. Proposed Amendments to the Water Quality Standards Regulation that Pertain to Standards on Indian Reservations 4
A. Qualifying for Treatment as a State 4
B. State-Tribal Dispute Resolution Mechanism 5

IV. Developing Water Quality Standards 6
Introduction 6
A. Waters Requiring Water Quality Standards 6
B. Determining Designated Uses 6
C. Adopting Water Quality Criteria 8
D. Antidegradation Policy and Implementation Methods 11
E. Additional Policies 11

V. Adoption of Water Quality Standards and Submittal to EPA 13
A. Public Participation 13
B. Certification by a Legal Authority 13
C. Submittal of Standards Package to EPA 13

VI. EPA Review and Approval/Disapproval of Standards 15
A. Review Process 15
B. Approval 15
C. Disapproval 15
D. Conditional Approval 15
E. EPA Promulgation 15

VII. Implementation of Water Quality Standards 17

VIII. Review and Revision of Existing Water Quality Standards 18
A. Requirements 18
C. Submittal to EPA 19

Appendix A. List of EPA References for Further Information

Appendix B. EPA Regional Offices and Headquarters Contacts

Appendix C. Map of Geographical Boundaries for EPA Regional Offices

Appendix D. Section 518 of the Clean Water Act

I. Introduction

A. Clean Water Act

In response to public concern about the status of our Nation's waters, Congress enacted the Federal Water Pollution Control Act Amendments of 1972. Collectively these amendments are known as the Clean Water Act (CWA). The objective of the CWA is "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." One interim goal of the CWA is that wherever attainable, water quality should provide for the protection and propagation of fish, shellfish, and wildlife and provide for recreation in and on the water. In 1987, Congress amended the CWA by authorizing EPA to treat an Indian Tribe as a State for the purposes of the Act if the Tribe meets certain criteria.

B. Water Quality Standards

Section 303 of the CWA authorizes the water quality standards program. Water quality standards are rules or laws that are adopted to protect the public health and welfare, enhance the quality of water, and serve the purposes of the CWA by providing, wherever attainable, for the protection and propagation of fish, shellfish, and wildlife, and for recreation in and on the water. These uses are commonly referred to as the "fishable/swimmable" goals of the Act.

In establishing water quality standards, Tribes define the water quality goals for their waters by designating uses for the water bodies and adopting water quality criteria to protect the designated uses. Standards are set taking into consideration the use and value of the water body for public water supply, propagation of fish, shellfish, and wildlife, and for recreational, agricultural, industrial and navigational purposes. Water quality standards also contain an antidegradation policy. At a minimum, the antidegradation policy ensures the maintenance and protection of existing uses and water quality necessary to protect those uses, provides for the protection of high quality waters, and maintains water quality in waters that are outstanding national resources.

Water quality standards play a critical role in the Nation's water quality improvement programs. By establishing the goals for a water body, water quality standards provide the regulatory and legal basis for point source and nonpoint source water quality-based controls beyond those required by the technological requirements of the CWA (i.e., best available technology, pretreatment and new source performance standards). Water quality standards are enforced through the national pollutant discharge elimination system's (NPDES) water quality-based permits and through nonpoint source control programs.

C. EPA Authority

EPA develops regulations, policies, and guidance to facilitate the implementation of the water quality standards program. In addition, EPA is responsible for reviewing and approving or disapproving water quality standards. EPA also promulgates Federal water quality standards under certain conditions.

D. Tribal Authority

Indian Tribes qualifying for treatment as States are responsible for establishing water quality standards and for reviewing and revising these standards at least once every three years.

REFERENCES

- All Tribes interested in developing water quality standards initially should obtain EPA's Water Quality Standards Regulation 40 CFR Part 131 (48 *FR* 51400, November 8, 1983). The regulation describes the requirements and procedures for developing, reviewing, revising, and approving water quality standards. **(1)**

- A useful reference for those new to the water quality standards program is ***Introduction to Water Quality Standards***, (1988). **(4)**

- To keep up-to-date on national developments and activities of EPA's water quality standards program, Tribes may subscribe to the *Newsletter*, Criteria and Standards Division, Office of Water Regulations and Standards. (5)

II. Background to Tribal Participation in the Water Quality Standards Program

There are two important developments leading to a greater involvement by Indian Tribes in the water quality standards program -- EPA's Indian Policy and Section 518 of the 1987 Amendments to the CWA.

A. EPA's Indian Policy

On January 24, 1983, the Federal government established a Federal Indian Policy to treat Tribal governments on a government-to-government basis and to support the principle of self-determination and local decision making by Indian Tribes. EPA subsequently adopted its own Indian Policy and Implementation Guidance in November, 1984.

EPA's Indian Policy directs the Agency to "give special consideration to Tribal interests in making Agency policy and to ensure the close involvement of Tribal governments in making decisions and managing the environmental programs affecting reservation lands." In implementing this policy, EPA works directly with Tribal governments as independent authorities for reservation affairs, and not as political subdivisions of States.

REFERENCE

- More detailed information on EPA's Indian Policy and Implementation Guidance can be found in *Environmental Activities on Indian Reservations: FY 88*, (1989). (31)

B. Section 518 of the Clean Water Act Amendments of 1987

The 1987 Amendments to the CWA added Section 518. This section authorizes EPA to treat Federally recognized Indian Tribes as States for certain provisions of the Act, including the water quality standards program. Section 518 requires EPA to promulgate regulations specifying how Indian Tribes can qualify for treatment as States based on three broad criteria contained in Section 518(e). In addition, Section 518 requires EPA to establish a mechanism to resolve unreasonable consequences that may arise from an Indian Tribe and a State adopting different water quality standards on common bodies of water.

REFERENCE

- Section 518 of the Clean Water Act is contained in Appendix D.

III. Proposed Amendments to the Water Quality Standards Regulation that Pertain to Standards on Indian Reservations

The first step for an Indian Tribe that wishes to set water quality standards on its reservation is to qualify for treatment as a State for the water quality standards program.

EPA proposed a rule (54 *FR* 39098) on September 22, 1989, to define how an Indian Tribe can qualify for treatment as a State for the Section 303 water quality standards and Section 401 certification programs. The proposal also establishes a dispute resolution mechanism for situations where there are unreasonable consequences resulting from a State and Tribe adopting different water quality standards for common water bodies.

A. Qualifying for Treatment as a State

The proposed rule adds a new section to the Code of Federal Regulations, 40 CFR 131.8, that includes the criteria a Tribe will be required to meet to be treated as a State, the specific information the Tribe would be required to provide in its application to EPA, and the procedure EPA will use to process the Tribal application.

1. Criteria Tribes are Required to Meet

An Indian Tribe may qualify for treatment as a State for the purposes of the water quality standards program if the Tribe meets the following criteria:

a. The Tribe is recognized by the Department of the Interior and meets the definitions found in Section 518 of the Clean Water Act;

b. The Tribe has a governing body carrying out substantial duties and powers;

c. The Tribe possesses and can adequately demonstrate authority to manage and protect water resources within the borders of the reservation; and

d. The Tribe is reasonably expected to be capable, in the Regional Administrator's judgement, of carrying out the functions of an effective water quality standards program.

The CWA authorizes the use of existing Tribal regulatory authority for managing EPA programs. It does not grant additional authority to Tribes.

REFERENCE

- Detailed information on requirements for qualifying as a State are in section 131.8(a) of the proposed rule (54 *FR* 39098, September 22, 1989). A discussion of these requirements is in the preamble to the proposed rule (54 *FR* 39101, September 22, 1989). (2)

2. Information Required in an Application

A request by an Indian Tribe for treatment as a State for the water quality standards program should be submitted to the appropriate EPA Regional Administrator. Application materials include statements and documentation addressing the required criteria for treatment as a State (see 1.a. - 1.d. above). The Regional Administrator also may require additional documentation.

If a Tribe qualifies for treatment as a State under other CWA or Safe Drinking Water Act programs, then the Tribe needs only to provide the information specific to the water quality standards program that has not been submitted in their previous application(s).

REFERENCE

- Detailed information on the required application materials to qualify for treatment as a State is in section 131.8(b) of the proposed rule (54 *FR* 39098, September 22, 1989). A discussion of these requirements is in the preamble to the proposed rule (54 *FR* 39101 - 39102, September 22, 1989). (2)

3. Procedure for Processing an Application

Several steps are involved in EPA's processing of a Tribe's application for treatment as a State. First, EPA will notify the Tribe promptly that the Agency received the application. Then, within 30 days of receipt of the application, the Agency will notify appropriate governmental entities (neighboring Tribes and States) of the application and the substance and basis for the Tribe's assertion of authority over reservation waters. These governmental entities will have 30 days for review of and comment on the Tribe's assertion of authority.

If a Tribe's asserted authority is challenged by another governmental entity, EPA will consult with the Tribe, the challenging entity, and the Secretary of the Interior, and independently determine whether the Tribe has demonstrated its authority to regulate water quality on the reservation. If EPA determines that the Tribe has not adequately demonstrated its authority on a disputed area, then Tribal assumption of the standards program would be restricted to non-disputed areas.

EPA will promptly notify the Tribe when the Agency determines that the Tribe has qualified for treatment as a State for the water quality standards program. If EPA determines that the Tribe does not meet the requirements to qualify for treatment as a State, the Tribe can resubmit the application at a future date. If the Tribal application is deficient or incomplete, EPA will specify the necessary changes.

REFERENCE

- The procedure for processing a Tribe's application is in section 131.8(c) of the proposed rule (54 *FR* 39098, September 22, 1989). A discussion of these requirements is in the preamble to the proposed rule (54 *FR* 39102, September 22, 1989). **(2)**

B. State-Tribal Dispute Resolution Mechanism

Section 518 of the CWA requires that EPA establish a mechanism to resolve any unreasonable consequences arising as a result of different water quality standards that may be set by States and Indian Tribes for a common body of water.

EPA is proposing that State-Tribal disputes be resolved by mediation or non-binding arbitration. The proposed rule emphasizes the use of mediation because such an approach is consistent with the establishment of State-Tribal cooperative agreements in Section 518(d) of the CWA. A third technique, voluntary binding arbitration, is an option only where all parties consent. In addition, EPA has proposed a dispute resolution default procedure to be used where one or more parties refuse to participate in mediation or arbitration. Mediators and arbitrators will be EPA employees, employees of other Federal agencies, or other individuals with appropriate qualifications.

Either a State or Tribe may request EPA to resolve a dispute. The proposed rule lists the requirements for written requests for EPA involvement.

In determining whether to approve water quality standards, EPA will disapprove water quality standards that are less stringent than necessary to comply with the CWA. Based on Section 510 of the CWA, EPA must approve water quality standards that are more stringent than those required by the Act. EPA does not have the authority to disapprove State or Tribal water quality standards that EPA considers more stringent than necessary to comply with the CWA.

REFERENCE

- Detailed information on State-Tribal dispute resolution mechanisms, including the conditions and required procedures, is in section 131.7 of the proposed rule (54 FR 39098, September 22, 1989). A discussion of this dispute resolution mechanism is in the preamble to the proposed rule (54 *FR* 39099 - 39101, September 22, 1989). **(2)**

The remainder of this booklet describes the process of developing, adopting, and reviewing water quality standards.

IV. Developing Water Quality Standards

Introduction

After qualifying for treatment as a State, a Tribe has several options for establishing water quality standards on its reservation. These options include:

1. Negotiation of a cooperative agreement with an adjoining State to apply the State's standards to the Indian lands;

2. Incorporation of the standards from an adjacent State as the Tribes's own, with or without revision; or

3. Independent Tribal development and adoption of water quality standards that may account for unique site-specific conditions and water body uses.

The options represent a range of resource commitments. The first two options would be the quickest and least costly ways of establishing Tribal water quality standards. Option 3 requires more time and resources to implement because it requires the Tribe to create an entire set of water quality standards "from scratch."

The development of Tribal water quality standards is a continual process. At least once every three years a Tribe must review and, if appropriate, revise its water quality standards. The Tribe may change its approach for establishing standards in subsequent triennial reviews. For example, Tribal standards may evolve from the adoption of existing State standards to a rule entirely of Tribal origin.

Several steps are involved in developing water quality standards for reservation waters. A Tribe must (A) identify all surface waters requiring standards, (B) designate uses for each water body or portion of a water body, (C) set criteria to protect designated uses, (D) adopt an antidegradation policy and implementation methods, and (E) as appropriate, adopt additional policies affecting the application and implementation of standards. These steps are described below.

REFERENCE

- A detailed discussion of the options available for establishing water quality standards on Indian lands is in the preamble to the proposed rule (54 *FR* 39102 - 39103, September 22, 1989). (2)

A. Waters Requiring Water Quality Standards

Water quality standards are adopted for "waters of the United States", including all rivers, streams, intermittent streams, lakes, natural ponds, wetlands, and marine waters such as estuaries and near-shore coastal waters. Water bodies may be segmented such that, where appropriate, different standards may apply to different segments of the same water body. "Waters of the United States" does not include groundwater.

Artificially-created waters, such as irrigation ditches and canals, may be defined as "waters of the United States." The need to develop water quality standards for artificially-created waters is determined by EPA and the Tribe on a case-by-case basis.

REFERENCE

- The regulatory definition of "waters of the United States" can be found in the National Pollution Discharge Elimination System Regulation (40 CFR 122.2) and the Section 404 Regulation (40 CFR 230.3).

B. Determining Designated Uses

1. Use Classification System

Each Indian Tribe develops a use classification system that describes the uses of water bodies to be protected. At a minimum, water quality standards must provide for the protection and propagation of fish, shellfish, and wildlife, and for recreation in and on the water. In addition, uses may include public water supply, water supply for agricultural, industrial, and commercial uses, and navigation.

The CWA also allows a Tribe to adopt use categories for other purposes, as long as those uses and associated criteria enhance the quality of the water and serve the purposes of the Act. Waste transport and waste assimilation are not acceptable uses.

Tribes may adopt subcategories of a use and set criteria to reflect the different needs of these subcategories. One example is dividing recreation into the subcategories of recreation "in" the water (swimming) and recreation "on" the water (boating). Another example is dividing protection of fisheries into cold water and warm water fisheries.

REFERENCES

- For EPA guidance on use classification systems see Chapter 3 of the ***Water Quality Standards Handbook***, (1983). Appendix A of Chapter 3 contains a sample use classification system. **(6)**

- A summary of State use classifications can be found in the document "Designated Uses", one of the ***Water Quality Standards Criteria Summaries; A Compilation of State/Federal Criteria***, (1988). **(19)**

- For a sample of a use classification system for Tribal water quality standards see the water quality standards for the Colville Indian Reservation (54 ***FR*** 28627 - 28629, July 6, 1989). **(3)**

2. Existing Uses

Existing uses are those uses actually attained in a water body on or after November 28, 1975. November 28, 1975 is the date on which EPA promulgated its first water quality standards regulation. Because an existing use has been attained, it cannot be modified or changed unless uses are added that require more stringent criteria. When identifying existing uses, the Tribe should specify uses consistent with the uses in their use classification system.

REFERENCES

- The regulatory definition of existing uses is in EPA's Water Quality Standards Regulation (40 CFR 131.3(e)). **(1)**

- Guidance on the interpretation of the term "an existing use" is in ***Questions and Answers on Antidegradation***, (1985). **(7)**

3. Designated Uses

Each Tribe has the primary responsibility for determining the uses it would like to make of a water body and incorporate these uses into its standards. Unless the Tribe can demonstrate that the fishable/swimmable uses can not be attained (i.e the Section 101(a)(2) goals of the CWA that provide for the protection and propagation of fish, shellfish, and wildlife, and recreation in and on the water), the Tribe must designate, at a minimum, a fishable/swimmable use for each water body in addition to other uses that are to be made of the water body.

When designating uses of a water body and the appropriate criteria for those uses, the Tribe must take into consideration the water quality standards of the downstream waters. The Tribe must ensure that the water quality standards it sets for reservation waters provide for and do not interfere with the attainment and maintenance of the water quality standards of downstream waters.

In some areas, uses are only practical during certain seasons. If appropriate, a Tribe should adopt a seasonal use as a way of providing for the protection of fish, shellfish, and wildlife and recreation in and on the water.

Tribes establishing water quality standards for the first time should carefully consider the water-body uses that are appropriate. Removing such uses, while not impossible, requires a substantial demonstration that attaining the use is not feasible.

REFERENCES

- Information on the requirements for designating uses is in EPA's Water Quality Standards Regulation (40 CFR 131.10). A discussion on designated uses is in the preamble (48 ***FR*** 51400 - 51401, November 8, 1983). **(1)**

- General information on designating uses can be found in Section II of ***Introduction to Water Quality Standards***, (1988). **(4)**

- For EPA guidance on designated uses see Chapter 1 of the ***Water Quality Standards Handbook***, (1983). **(6)**

4. Use Attainability Analyses

A use attainability analysis is a scientific assessment of the physical, chemical, biological, and economic factors that affect the attainment of a use. A use attainability analysis assists in determining what uses are possible. It also can assist in determining the

point and nonpoint source controls necessary to protect a use. A use attainability analysis consists of (a) a water body survey and assessment, (b) a wasteload allocation, and (c) if appropriate, an economic analysis.

A Tribe is required to conduct a use attainability analysis when it designates a use that does not include the protection and propagation of fish, shellfish, and wildlife, and recreation in and on the water. However, use attainability analyses are not required when designated uses are consistent with fishable/swimmable uses.

Use attainability analyses are the responsibility of each Tribe, but the actual studies may be performed by others. All data, however, must be made available to the public.

REFERENCES

- General information on use attainability analyses can be found in Section V of ***Introduction to Water Quality Standards***, (1988) **(4)**

- Guidance on conducting use attainability analyses is in Chapter 3 of the ***Water Quality Standards Handbook***, (1983). **(6)**

- More detailed information can be found in three technical support manuals:

  1. ***Technical Support Manual: Waterbody Surveys and Assessments for Conducting Use Attainability Analyses***, (1983). This manual contains general information and technical guidance specific to rivers. **(10)**

  2. ***Technical Support Manual: Waterbody Surveys and Assessments for Conducting Use Attainability Analyses, Volume II: Estuarine Systems***, (1983). **(11)**

  3. ***Technical Support Manual: Waterbody Surveys and Assessments for Conducting Use Attainability Analyses, Volume III: Lake Systems***, (1984). **(12)**

C. Adopting Water Quality Criteria

Water quality criteria are limits on a particular pollutant or on a condition of a water body so as to protect and support a use. When criteria are properly selected and met, it is expected that the water quality will protect the designated use.

Each Tribe is required to adopt, as part of its water quality standards, water quality criteria to protect the most sensitive designated use of a water body. These criteria must be based on a sound scientific rationale.

When setting appropriate water quality criteria sufficient to protect designated uses, Tribes may:

1. Adopt the criteria EPA publishes under Section 304(a) of the Act;

2. Modify the Section 304(a) guidance to reflect site-specific conditions; or

3. Use other scientifically defensible methods.

Tribes are encouraged to work with EPA to determine the approach to be used in setting criteria, to assess the availability of monitoring data, and to evaluate appropriate methods for any analyses.

REFERENCES

- For general information on water quality criteria, see Section III in ***Introduction to Water Quality Standards***, (1988). **(4)**

- Information on the requirements for adopting criteria is in EPA's Water Quality Standards Regulation (40 CFR 131.11). **(1)**

- Guidance on the methodology used by EPA in developing aquatic life criteria is in "Guidelines for Deriving National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" (45 ***FR*** 79341, November 28, 1980, as amended at 50 ***FR*** 30784, July 29, 1985). **(13)**

- Guidance on the methodology used by EPA in developing human health criteria is in "Guidelines and Methodology Used in the Preparation of Health Effect Assessment Chapters of the Consent Decree Water Criteria Documents" (45 ***FR*** 79318, November 28, 1980. **(14)**

1. EPA Published Criteria

EPA publishes water quality criteria under Section 304(a) of the Clean Water Act. These criteria are called Section 304(a) criteria and are based on the latest scientific information available on the effect of a pollutant on aquatic life and human health. Section 304(a) criteria are published from time-to-time as guidance documents to assist in setting water quality standards and have no force of law. Section 304(a) criteria guidance documents contain two important types of information: (a) scientific data on the effects

of pollutants on aquatic life, human health, and/or recreation; and (b) the chemical concentration in water that will generally ensure water quality adequate to support a particular water use.

Both human health and aquatic life criteria are needed for the protection, propagation, and consumption of fish and shellfish and for public water supply. Tribes must adopt aquatic life and or human health criteria for pollutants where data indicate that these pollutants may interfere with attaining the designated uses.

REFERENCES

- The most important references for Section 304(a) criteria are the individual criteria guidance documents. A list of these documents is in Appendix A. **(15)**

- Another source of information on Section 304(a) criteria is ***Quality Criteria for Water***, (1986), also known as the "Gold Book." This reference contains a summary of the individual Section 304(a) criteria documents. **(16)**

- For information on the relationship of Section 304(a) criteria to designated water uses see Chapter 2 of the ***Water Quality Standards Handbook***, (1983). **(6)**

2. Narrative and Numeric Criteria

Criteria can be either narrative or numeric. Narrative criteria are expressed in concise statements, generally in a "free from" format, for example "free from toxic pollutants in toxic amounts". Numeric criteria are expressed as concentrations of chemicals or pollutants in water. Concentrations of chemicals are usually expressed in micrograms per liter (ug/l). Numeric criteria are often called chemical-specific criteria.

EPA believes that an effective water quality standards program should include both narrative and numeric criteria. Narrative criteria are used to limit the toxicity of an effluent when the specific chemicals in the effluent cannot be identified. In addition, narrative criteria can be used to limit the toxicity of the water when a specific chemical is identified as the cause of the toxicity, but no numeric criterion is available.

Chemical-specific numeric criteria are important, particularly where the cause of toxicity is known and limits are placed on the discharge of the pollutant through permits, or where nonpoint sources are identified as the source of the problem. Such criteria provide a stronger basis on which to protect aquatic life and human health.

Narrative Criteria

Narrative criteria are used to protect the aesthetic qualities of water and ensure its natural beauty. Narrative criteria also are used to protect against toxic effects. EPA guidance includes five narrative criteria or "free froms". These "free froms" apply to all waters and to both point sources and nonpoint sources of pollution. When a Tribe adopts narrative criteria for toxic pollutants, it must provide information on the method that will be used to regulate point source discharges based on the narrative criteria.

Numeric Criteria

Specific numeric criteria establish limits, as necessary, for a wide variety of pollutants in or conditions of water bodies. For example, a Tribe needs to adopt numeric criteria for dissolved oxygen and ammonia, as well as for toxic pollutants such as lead, mercury, polychlorinated biphenols (PCBs), etc. to protect the aquatic life of the water body and human health.

Section 303(c)(2)(B) of the CWA requires the adoption of numeric criteria for the toxic pollutants listed in Section 307(a)(1) of the CWA if (1) the discharge or presence of the pollutant may adversely impact designated uses and (2) EPA has published a criterion for the pollutant. Section 307(a) toxic pollutants include 126 individual toxic pollutants. These 126 pollutants are called "priority pollutants" and are among the most persistent, prevalent, and toxic of the chemicals known to man.

A Tribe has three options available for adopting numeric criteria for priority pollutants. In summary, these options are:

1. Adopt numeric criteria for all pollutants for which EPA has issued Section 304(a) criteria guidance;

2. Adopt numeric criteria for all pollutants for which EPA has issued Section 304(a) criteria guidance when the pollutant can reasonably be expected to interfere with uses; and

3. Adopt a translator procedure that can be used to derive numeric criteria on an "as needed" basis.

If Section 304(a) criteria are not available, and the presence or discharge of the pollutant may adversely impact a designated use, a Tribe must adopt criteria based on biological monitoring or assessment methods. To meet this requirement, at a minimum, a Tribe must require that all point source dischargers thought to be discharging priority toxic pollutants conduct whole effluent toxicity tests.

REFERENCES

- Guidance on the application of narrative and numerical criteria is in Chapter 2 of the ***Water Quality Standards Handbook***, (1983). **(6)**

- Guidance on specific narrative and numeric criteria for particular pollutants can be found in the individual Section 304(a) criteria documents. A list of these documents is in Appendix A. **(15)**

- Another source of specific narrative and numeric criteria for particular pollutants is ***Quality Criteria for Water***, (1986), also known as the "Gold Book." This reference is a summary of the individual 304(a) criteria documents. **(16)**

- The Section 307(a) priority toxic pollutants are codified at 40 CFR 401.15 and found in Section VII of ***Introduction to Water Quality Standards***, (1988). **(4)**

- Specific guidance on the implementation of numeric criteria for the Section 307(a) priority toxic pollutants, including a full discussion/description of the options available, is in ***Guidance for State Implementation of Water Quality Standards for CWA Section 303(c)(2)(B)***, (1988). **(17)**

- For a compilation of State activities implementing the Section 303(c)(2)(B) requirements see ***Status Report: State Numerical Criteria for Toxics as of August 1989***, (1989). **(18)**

- Compiled State summaries of individual pollutant criteria can be found in ***Water Quality Standards Criteria Summaries: A Compilation of State/Federal Criteria***, (1988). **(19)**

- For technical guidance on conducting whole effluent toxicity tests see the ***Technical Support Document for Water Quality-based Toxics Control***, (1985). **(28)**

3. Site-specific Criteria

Site-specific criteria are water quality criteria developed for a specific site and reflect local environmental conditions. EPA's criteria are laboratory derived and may not always accurately reflect the effect of a pollutant in all waters. Site-specific criteria may be appropriate where:

a. Species inhabiting a given site are more or less sensitive than those used in developing the Section 304(a) criteria; or

b. Water chemistry, such as pH, hardness, temperature, and color, appears to differ significantly from the laboratory water used in developing the Section 304(a) criteria.

Tribes may develop site-specific criteria. Developing site-specific criteria involves taking local conditions into account so that criteria adequately protect the designated use without being more or less stringent than needed.

REFERENCE

- EPA guidance on scientifically acceptable procedures for deriving site-specific criteria is in Chapter 4 of the ***Water Quality Standards Handbook***, (1983). **(6)**

4. Criteria Under Development

Chemical criteria alone are inadequate to fully characterize the physical and biological integrity of our waters or the reductions in risk necessary to attain the goals of the CWA. Therefore, EPA is developing biological and sediment quality criteria to complement chemical-specific criteria.

Biological criteria may include indices or statements of species richness, abundance, diversity, trophic composition and/or biomass. These measures can be used to establish appropriate goals for water bodies. Initially, Tribes are to adopt narrative biological criteria. Narrative criteria may be general statements of the biological condition of the water body or attainable uses. Although similar to the "free from" chemical water quality criteria, narrative biological criteria establish a positive statement about what should occur, such as "Aquatic life shall be as it naturally occurs." Such criteria will assist Tribes in better characterizing the aquatic life uses appropriate for the surface water to be protected.

EPA is developing sediment quality criteria on a pollutant-by-pollutant basis. Such criteria will assist Tribes in defining where sediment contamination is a problem in order to target areas for regulatory, enforcement, and clean-up actions.

REFERENCES

- Information on biological criteria will be found in the ***Program Guidance Document for Biological Criteria***, (available April, 1990). **(20)**

- The *Technical Guidance Document for Biological Criteria* will supplement the program guidance document (available after April, 1990). (21)

- Information on sediment quality criteria is in *Briefing Report to the EPA Science Advisory Board on the Equilibrium Partitioning Approach to Generating Sediment Quality Criteria*, (April, 1989). (22)

- A list of additional sediment quality criteria documents can be found in Appendix A. (23)

D. Antidegradation Policy and Implementation Methods

Each Tribe adopts a reservation-wide antidegradation policy and implementation methods for this policy. An antidegradation policy provides for the maintenance and protection of existing uses, higher quality waters, and outstanding national resource waters. EPA's water quality standards regulation sets minimum requirements for the antidegradation policy.

A Tribe may want to designate some of its waters as outstanding national resource waters. These waters may be high quality waters or ecologically unique waters such as those within national parks or wildlife refuges or waters of exceptional recreational or ecological significance. Each Tribe establishes its own criteria for designating and protecting outstanding national resource waters.

Antidegradation implementation procedures address how a Tribe will review water quality-based permits and control programs to ensure that they are designed to meet water quality standards and antidegradation requirements. At a minimum, whenever a discharge is determined to eliminate a use or lower the quality of high quality waters, the Tribe must conduct an antidegradation policy review.

REFERENCES

- General information on antidegradation is in Section VI of *Introduction to Water Quality Standards*, (1988). (4)

- Detailed information on the requirements for an antidegradation policy is in EPA's Water Quality Standards Regulation (40 CFR 131.12). A discussion on the antidegradation policy is in the preamble of the Water Quality Standards Regulation (48 *FR* 51402 - 51403, November 8, 1983). (1)

- Implementation guidance on antidegradation is in Chapter 2 of the *Water Quality Standards Handbook*, (1983). (6)

- Additional guidance can be found in *Questions and Answers on Antidegradation* (1985). (7)

- A summary of State antidegradation policies can be found in the document "Antidegradation", one of the *Water Quality Standards Criteria Summaries; A Compilation of State/Federal Criteria*, (1988). (19)

E. Additional Policies

Each Tribe, at its discretion, may include in its water quality standards, policies affecting the application and implementation of water quality standards. Such policies include variances, mixing zones, and low-flow exemptions. These policies must be reviewed and approved by EPA.

1. Variances

In a situation where waters do not meet their water quality standards, a Tribe may grant a variance to a discharger as an alternative to downgrading the standard to a use requiring less stringent criteria. Variances would be used where the Tribe believes that the standard can ultimately be attained. By establishing a standard with uses requiring improvements in water quality rather than allowing continued lower water quality, the Tribe will assure that further progress is made in attaining the goals of the CWA and improving water quality.

A variance may be granted to an individual discharger for a specific pollutant or pollutants. This variance controls the permit limits for the discharger that receives the variance. EPA reviews individual variances, in addition to the review and approval of the Tribal variance policy.

REFERENCES

- Additional information on variances is in the preamble to EPA's Water Quality Standards Regulation (48 *FR* 51403, November 8, 1983) (1)

- Guidance on variances is contained in "Variances in Water Quality Standards", (1985). (8)

2. Mixing Zones

A mixing zone serves as a zone of initial dilution in the immediate area of a point source discharge. The Tribal water quality standards should describe the methodology for determining the location, size, shape, outfall engineering design, and in-zone water quality of mixing zones. The methodology should be precise enough to support regulatory actions. Careful consideration must be given to the appropriateness of a mixing zone where the substance discharged is persistent in the environment, accumulates in aquatic life, or causes cancer.

REFERENCES

- Guidance on mixing zones is in Chapter 2 of the *Water Quality Standards Handbook*, (1983). **(6)**

- Technical information on mixing zones is in Chapter 5 of the *Technical Support Document for Water Quality-based Toxics Control*, (1985). **(28)**

- A summary of State mixing zone policies can be found in the document "Mixing Zones", one of the *Water Quality Standards Criteria Summaries; A Compilation of State/Federal Criteria*, (1988). **(19)**

3. Low-flow Exemptions

Water quality standards should protect uses even in low-flow situations. Tribes may designate a critical low-flow volume below which numerical criteria do not apply. However, even in low-flow situations, narrative criteria, including the "free from" toxics criteria, must be applied.

REFERENCE

- EPA's policy on low-flow exemptions is described in Chapter 2 of the *Water Quality Standards Handbook*, (1983). **(6)**

V. Adoption of Water Quality Standards and Submittal to EPA

Subsequent to the development of water quality standards, a Tribe must take several steps before submitting the standards to EPA. First, a Tribe must hold a public hearing for the review of the water quality standards. Next, the Tribe adopts the water quality standards according to its own legal and administrative procedures. Then, the appropriate legal authority within the Tribe certifies that the water quality standards were adopted according to Tribal law. After these steps are completed, the Tribe submits a complete standards package to the appropriate EPA Regional Administrator for review.

A. Public Participation

An important part, perhaps even the most important part, of establishing water quality standards is the participation of those affected by standards decisions. At a minimum, a Tribe is required by Section 303(c) of the Clean Water Act (CWA) to hold a public hearing for reviewing the proposed water quality standards. This public hearing must be held in accordance with the provisions of Tribal law, EPA's Water Quality Management Regulation (40 CFR 130.3(b)(6)), and EPA's Public Participation Regulation (40 CFR Part 25). Prior to the hearing, the Trib ust make available to the public proposed water quality standards and supporting analyses.

EPA urges Tribes to actively involve Tribal members in the review process. Public hearings or workshops are an effective means of involving Tribal members in setting the goals for their reservation waters, identifying existing uses of the water body, and developing support for the proposed standards.

REFERENCES

- The public participation requirement for the water quality standards program is in EPA's Water Quality Standards Regulation (40 CFR 131.20(b)). (1)
- Implementation guidance on public participation for the water quality standards program is in Chapter 2 of the ***Water Quality Standards Handbook***, (1983). (6)

B. Certification by a Legal Authority

The Tribal "Attorney General" or other appropriate legal authority within the Tribe must certify that the water quality standards were adopted according to Tribal law.

C. Submittal of Standards Package to EPA

The following elements must be included in each Tribe's water quality standards package that it submits to EPA:

1. Use designations consistent with the provisions of Sections 101(a)(2) and 303(c)(2) of the Clean Water Act.
2. Water quality criteria sufficient to protect the designated uses.
3. Methods used and analyses conducted to support the water quality standards.
4. Antidegradation policy and implementation methods consistent with Section 131.12 of EPA's Water Quality Standards Regulation.
5. Certification by the appropriate legal authority within the Tribe that the water quality standards were adopted in accordance with Tribal law.
6. Information for EPA to use in determining the adequacy of the scientific basis of the standards that do not include the uses specified in Section 101(a)(2) of the Act.

7. Information on policies that may affect the application and implementation of the water quality standards.

Tribes should adopt and submit water quality standards to EPA for review within 180 days of qualifying for treatment as a State for the water quality standards program and within 30 days of Tribal adoption and certification of standards. The 180 day time frame is the same time frame provided to States under the 1972 Federal Water Pollution Control Act. The EPA Regional Administrator may grant an extension of the 180-day time limit if the Tribe provides a reasonable written explanation for an extension.

REFERENCE

- Information on EPA requirements for water quality standards adoption and submission is in EPA's Water Quality Standards Regulation (40 CFR 131.6 and 131.20). (1)

VI. EPA Review and Approval/Disapproval of Standards

A. Review Process

EPA's review of Tribal water quality standards involves a review, at the Regional Office, with a concurrent review and comment by the Criteria and Standards Division at Headquarters. EPA reviews the water quality standards to ensure compliance with the requirements of the CWA and EPA's Water Quality Standards Regulation. EPA's review also determines whether the analyses performed to establish water quality standards are adequate. In addition, the Agency evaluates whether the designated uses and criteria are compatible throughout the water body and whether the downstream water quality standards are protected. A review to determine compliance with downstream standards is most likely to involve water bodies on or crossing Reservation or State boundaries.

In determining whether to approve, disapprove or conditionally approve Tribal water quality standards, EPA will use the same statutory and regulatory requirements, policies, and criteria as it uses in reviewing State water quality standards.

B. Approval

Tribal water quality standards that meet the requirements of the CWA and EPA's Water Quality Standards Regulation are approved by the appropriate EPA Regional Administrator within 60 days of receipt. The Regional Administrator notifies the Tribal Chairman by letter of the approval and forwards a copy of the letter to the Tribal agency responsible for administering the water quality standards program. The approval letter contains information on the scope of the approval action. If only a portion of the submitted standards meet the requirements, the Regional Administrator approves only that portion and identifies the portions that should be revised.

C. Disapproval

If the Tribal water quality standards are not consistent with or do not meet the requirements of the CWA or EPA's Water Quality Standards Regulation, the EPA Regional Administrator disapproves the standards with a written notice to the Tribal Chairman within 90 days of receipt. The letter states why the standards are not consistent with the CWA or the Water Quality Standards Regulation and describes the necessary revisions for full approval. If the Tribe fails to adopt and submit the necessary revisions within 90 days after notification, the EPA Administrator initiates promulgation of Federal water quality standards.

D. Conditional Approval

The Regional Administrator may grant conditional approval for Tribal water quality standards. This is an EPA approval conditioned on the performance of specified actions on the part of a Tribe in a timely manner (generally 90 days or less). Conditional approvals may be used when there are minor deficiencies in Tribal standards but only if the Tribe provides assurance that it will submit corrections on a specified, written schedule. Failure to satisfy the identified conditions will nullify the approval and lead to Federal promulgation action.

E. EPA Promulgation

EPA may promulgate Federal water quality standards in situations where the Administrator determines that the new or revised water quality standard is not consistent with the applicable requirements of the CWA or where the Administrator determines that a standard is necessary to meet the requirements of the Act.

In promulgating water quality standards, the EPA Administrator must follow the same policies, procedures, analyses, and public participation requirements established for the Tribe. If the Tribe corrects the deficiencies in its water quality standards prior to

promulgation, the Administrator will stop the rulemaking proceedings and the Regional Administrator will approve the revised standards. After EPA has promulgated standards, the Tribe may submit revised water quality standards and the Federal standards will be withdrawn once Tribal standards are approved.

REFERENCES

- Information on the Federal requirements for EPA review and approval/disapproval of water quality standards is in EPA's Water Quality Standards Regulation (40 CFR 131.21). **(1)**
- Information on the Federal requirements for EPA promulgation is in EPA's Water Quality Standards Regulation (40 CFR 131.22). **(1)**
- Guidance on the EPA review process and promulgation is in Chapter 2 of the ***Water Quality Standards Handbook***, (1983). **(6)**
- Use of Federal promulgation of water quality standards for Indian Tribes is discussed in the preamble to the proposed rule (54 ***FR*** 39103). **(2)**
- A summary of EPA-promulgated water quality standards is in ***Summary of Federally Promulgated Water Quality Standards Actions***, (1989). **(26)**

VII. Implementation of Water Quality Standards

Tribes implement water quality standards through limits placed on the amount of pollutants discharged by point sources and through controls developed for nonpoint sources of pollution. Each point source discharger is required to obtain a permit limiting the pollutants that are discharged and specifying the monitoring and reporting requirements. These permits are part of the National Pollutant Discharge Elimination System (NPDES) program established by the CWA to control the pollutant levels in dischargers' effluent. The effluent limits contained in NPDES permits are either technology-based or water quality-based.

When technology-based limits are insufficient for water to attain water quality standards, Section 301(b)(1)(C) of the CWA requires the development of more stringent limitations to attain or maintain the water quality standards. EPA (or the Tribe if it has been delegated authority for the NPDES program) must then determine the total maximum daily load (TMDL) for the water body. The TMDL is the amount of a pollutant that may be discharged into a water body and still maintain water quality standards. Loading above this amount may result in waters exceeding the standards.

The allowable TMDL is the sum of the waste load allocation (WLA) and load allocation (LA), including a margin of safety. The WLA is the portion of the pollutant load from point sources. The LA is the portion from nonpoint sources and background sources. This WLA/LA/TMDL process involves identifying the pollutant sources and loadings, applying mathematical models to predict the amount of load reduction necessary to achieve water quality standards, and allocating this load reduction among the pollutant sources. Water quality criteria are used in the WLA/LA/TMDL process, and include one or more of the following:

1. Chemical-specific numeric criteria or a whole effluent toxicity standard adopted by a Tribe;
2. EPA Section 304(a) criteria if the Tribe has not adopted a numeric criterion for a particular pollutant; or
3. Other appropriate criteria.

In order to attain the water quality standards, the necessary load reduction from point source dischargers is regulated by water quality-based NPDES permits. The load reduction from nonpoint sources is controlled through Tribal or State nonpoint source control programs. Nonpoint source control programs may be either voluntary or regulatory.

REFERENCES

- As a start, for technical information on the WLA process and effluent limits in permits see Chapters 5 and 6 of the ***Technical Support Document for Water Quality-based Toxics Control***, (1985). **(28)**
- Tribes may want to obtain a copy of ***A Primer on the Office of Water Enforcement and Permits and Its Programs***, (1989) **(30)** and the ***Permit Writers Guide to Water Quality-based Toxics Control***. **(29)**
- Guidance on the relationship between nonpoint source controls and water quality standards is in ***Nonpoint Source Controls and Water Quality Standards***, (1987). **(9)**
- Tribes also may want to obtain a copy of the ***Nonpoint Source Guidance***, (1987). **(27)**
- For more information on the WLA/LA/TMDL process, NPDES permits, and nonpoint source control programs please contact your Regional Water Quality Standards Coordinator who can put you in touch with the WLA/LA/TMDL, permits, and nonpoint source contact persons in your Region.

VIII. Review and Revision of Existing Water Quality Standards

Water quality standards are continually reviewed and revised, if necessary. Tribal review and revision of water quality standards follows the same statutory and regulatory requirements as State review and revision.

A. Requirements

1. Three-year Review Requirement and Public Participation

The CWA requires that a Tribe, from time-to-time, but at least once every three years, shall hold public hearings for the purpose of reviewing applicable water quality standards. These public hearings are held, as were public hearings held on the initial adoption of a Tribe's water quality standards, in accordance with the provisions of Tribal law, EPA's Water Quality Management Regulation (40 CFR 130.3(b)(6)), and EPA's Public Participation Regulation (40 CFR Part 25). Prior to the hearing, the proposed revisions to the water quality standards and analyses supporting the revisions must be made available to the public.

2. Review and Upgrading Requirement

A part of the review and revision process involves a mandatory review and upgrading requirement. Water body segments with water quality standards that do not include the uses specified in Section 101(a)(2) of the CWA (i.e. the protection and propagation of fish, shellfish, and wildlife, and/or recreation in and on the water) must be re-examined every three years to determine if any new information, technology, etc. has become available that would warrant adding these uses. If new information indicates that the uses specified in Section 101(a)(2) of the CWA are attainable, the Tribe must revise its standards accordingly. In addition, where existing water quality standards specify designated uses less than those presently being attained, a Tribe must revise its standards to reflect the uses actually being attained. Also, if the Tribe has granted a variance to a water quality standard, the Tribe must review the appropriateness of the variance and determine if a new variance should be issued.

3. In-depth Review of Specific Water Bodies

EPA's Water Quality Standards Regulation allows each Tribe to establish its own procedures for selecting specific water bodies for an in-depth review. A review could include an examination of the uses, existing water quality criteria, and the need for revised or additional criteria on segments where the standards are not projected to be attained with the technology-based requirements of the CWA. Tribes also may want to consider areas where major water quality-based permits are scheduled for issuance or renewal or areas where toxic pollutants have been identified or are suspected of preventing the attainment of the standards.

During the water quality standards review, if a Tribe determines that a designated use has not been attained, it can take several courses of action. A Tribe may impose more stringent treatment requirements on dischargers. In addition, a Tribe may establish sub-categories of a use or a seasonal use in order to retain the use. Only if the Tribe can demonstrate that attaining the designated use is not feasible due to one or more of six conditions listed in 40 CFR 131.10(g) of EPA's Water Quality Standards Regulation, may the Tribe remove the designated but not attained use. Tribes may not remove designated uses if they are existing uses or if such uses will be attained by implementing required technology-based effluent limits and cost-effective best management practices for nonpoint source control.

4. Other

In each three year water quality standards review cycle, the Tribe should review the general provisions of the standards to see if new statutes, regulations, guidance, or legal decisions affecting standards have been adequately taken into consideration.

REFERENCES

- Detailed information on the requirements for review and revision of water quality standards is in EPA's Water Quality Standards Regulation (40 CFR 131.20). A discussion of these requirements are in the preamble of this regulation (48 *FR* 51403 - 51404, November 8, 1983). **(1)**

- Guidance on the standards review and revision process, including analyses used in reviewing standards on water quality limited segments, is in Chapter 1 of the ***Water Quality Standards Handbook***, (1983). **(6)**

- Guidance on the role and requirements of public participation is in Chapter 2 of the ***Water Quality Standards Handbook***, (1983). **(6)**

- Detailed information on the requirements for hearings and public participation is in EPA's Water Quality Management Regulation (40 CFR 130.3(b)(6)) and EPA's Public Participation Regulation (40 CFR Part 25).

- Detailed information on the allowable conditions for removing a designated use is in EPA's Water Quality Standards Regulation (40 CFR 131.10(g) and 131.10(h)). **(1)**

- Chapter 2 of the ***Water Quality Standards Handbook***, (1983), contains guidance on determining substantial and widespread economic and social impact, one of the six conditions allowing for the removal of a designated use. **(6)**

C. Submittal to EPA

Tribes submit to EPA the revisions in their water quality standards and the analyses supporting the revisions as they did their initial water quality standards.

Appendix A. List of EPA References for Further Information

The materials listed below have been referenced in this booklet. These references are organized by EPA Headquarters program offices and are available from the appropriate Headquarters office or Regional Water Quality Standards Coordinator. (See Appendix B for a list of Headquarters contacts and Regional Water Quality Standards Coordinators.) For Tribes that qualify as States for the water quality standards program and are developing water quality standards, EPA will make available single copies of water quality criteria documents at no cost.

Attached to this appendix is a list of individual Section 304(a) water quality criteria documents. The Standards Branch and Criteria Branch Clearing House Order Forms are also attached. The Criteria Branch order form contains a list of individual sediment quality criteria documents. Tribes may choose to use these forms when requesting reference materials.

Criteria and Standards Division,
Office of Water Regulations and Standards

Regulations:

(1) Water Quality Standards Regulation. 40 CFR Part 131. This regulation with the preamble is found in 48 *Federal Register* (*FR*) 51400, November 8, 1983.

Federal requirements governing the development, review, revision, and approval of water quality standards under Section 303 of the Clean Water Act. This regulation is presently undergoing revision. Expected date for proposed amendments is June 1990.

(2) Amendments to the Water Quality Standards Regulations That Pertain to Standards on Indian Reservations; Proposed Rule. 54 *FR* 39098, September 22, 1989.

Proposed rule revising the Federal water quality standards regulation. The revisions would establish

the criteria and procedures by which an Indian Tribe can quality for treatment as a State for the purposes of the water quality standards program. The revisions also establish a mechanism to resolve unreasonable consequenses that may arise from an Indian Tribe and a State adopting different water quality standards on common bodies of water. The proposed rule is expected to be issued as final in FY 90.

(3) Water Quality Standards for the Colville Indian Reservation in the State of Washington: Final Rule. (54 *FR* 28622, July 6, 1989).

Rule establishing Federal water quality standards on the Colville Confederated Tribes Reservation. The standards consist of designated uses and criteria for all surface waters on the reservation.

Other:

(4) *Introduction to Water Quality Standards*. U.S. Environmental Protection Agency, (September, 1988).

Contains general information on the water quality standards program in question and answer format. Designed to give the general public a basic understanding of the program.

(5) *Newsletter*, Criteria and Standards Division, Office of Water Regulations and Standards.

Quarterly newsletter of the EPA Headquarters Criteria and Standards Division providing updates on national developments and activities of the [water quality] Standards Branch, [water quality] Criteria Branch, and [sewage] Sludge Regulation Branch.

(6) *Water Quality Standards Handbook*. U.S. Environmental Protection Agency, (1983).

Contains guidance prepared by EPA to assist States in implementing the water quality standards regulation. Contents include: Chapter 1 - Water Quality Standards Review and Revision Process; Chapter 2 - General Program Guidance; Chapter 3 - Water Body Survey and Assessment Guidance for Conducting Use Attainability Analyses; and Chapter 4 - Guidelines for Deriving Site-Specific Water Quality Criteria. The Handbook is presently being revised. The expected date for issuance of a draft of the revised Handbook is June 1990.

(7) *Questions and Answers on Antidegradation*. U.S. Environmental Protection Agency, (August, 1985).

Document providing guidance on the antidegradation policy component of water quality standards and its application. Uses a question and answer format. Presents information on origin of the policy, meaning of terms, and application both in general and specific examples. This guidance supplements the *Water Quality Standards Handbook*, (1983).

(8) "Variances in Water Quality Standards". U.S. Environmental Protection Agency memorandum signed by Edwin L. Johnson, (March, 1985).

Guidance stating EPA's Office of General Council interpretation on what factors can be considered in allowing variances. Clarifies previous interpretation which is discussed in the preamble to the water quality standards regulation. This guidance supplements the *Water Quality Standards Handbook*, (1983).

(9) *Nonpoint Source Controls and Water Quality Standards*. U.S. Environmental Protection Agency, (August, 1987).

Describes the relationship between nonpoint source controls and water quality standards. Contains information on the CWA requirements, approaches for managing nonpoint pollution sources, and implementation of nonpoint source controls. This guidance supplements the *Water Quality Standards Handbook*, (1983).

(10) *Technical Support Manual: Waterbody Surveys and Assessments for Conducting Use Attainability Analyses*. U.S. Environmental Protection Agency, (1983).

Provides guidance for conducting use attainability analyses and information specific to river systems. This manual supplements Chapter 3 of the *Water Quality Standards Handbook*.

(11) *Technical Support Manual: Waterbody Surveys and Assessments for Conducting Use Attainability Analyses, Volume II: Estuarine Systems*. U.S. Environmental Protection Agency, (1983).

Addresses the unique characteristics of estuarine systems. Supplements the previous technical support manual.

(12) *Technical Support Manual: Waterbody Surveys and Assessments for Conducting Use Attainability Analyses, Volume III: Lake Systems*. U.S. Environmental Protection Agency, (1984).

Addresses the unique characteristics of lake systems. Supplements the two previous technical support manuals.

(13) "Guidelines for Deriving National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" (45 *FR* 79341, November 28, 1980, as amended at 50 *FR* 330784, July 29, 1985).

Guidance on the methodolgy used by EPA in developing aquatic life criteria.

(14) "Guidelines and Methodology Used in the Preparation of Health Effect Assessment Chapters of the Consent Decree Water Criteria Documents" (45 *FR* 79318, November 28, 1980).

Guidance on the methodolgy used by EPA in developing human health criteria.

(15) Individual Section 304(a) criteria guidance documents

A list of the individual Section 304(a) criteria guidance documents is attached to this appendix. These individual documents are the most important references for Section 304(a) criteria and contain all data used to develop the 304(a) criteria for each pollutant.

(16) *Quality Criteria for Water, 1986*, (also called the "Gold Book"). U.S. Environmental Protection Agency, (1986).

Contains summaries of all Section 304(a) criteria guidance developed by EPA. Also contains narrative criteria language. Appendices contain summary of methodologies for developing these criteria. Updated summaries of 304(a) criteria are made available to those purchasing this document as new criteria are developed and existing criteria revised.

(17) *Guidance for State Implementation of Water Quality Standards for CWA Section 303(c)(2)(B)*. U.S. Environmental Protection Agency, (December, 1988).

Provides guidance for States on adoption of numeric criteria for priority toxic pollutants. Describes three options for meeting this requirement of the new Section 303(c)(2)(B) of the Clean Water Act. Also

provides background information and discusses pros and cons of each option. Appendix A contains list of Section 307(a) toxic pollutants.

(18) *Status Report: State Numerical Water Quality Criteria for Toxics as of August, 1989.* U.S. Environmental Protection Agency, (1989).

Status report presenting information on State activities to address Section 303(c)(2)(B). This Section requires States to adopt numeric criteria for priority toxic pollutants by February, 1990. Next status report due out in March, 1990.

(19) *Water Quality Standards Criteria Summaries: A Compilation of State/Federal Criteria.* U.S. Environmental Protection Agency, (1988).

Twenty-six individual summaries, each containing compiled information extracted from State water quality standards. Summaries include information on definitions, uses, individual pollutant criteria, and policies.

(20) *Program Guidance Document for Biological Criteria.* U.S. Environmental Protection Agency, (Due to be published in April, 1990).

Describes the steps and procedures for developing narrative biological criteria and provides guidance on the implementation of biological assessment and biological criteria to enhance Tribal and State water quality programs.

(21) Technical Guidance Document for Biological Criteria. U.S. Environmental Protection Agency, (Due to be published after April, 1990).

This technical guidance supplements the *Program Guidance Document for Biological Criteria.* It evaluates current biological assessment approaches in different types of surface waters.

(22) *Briefing Report to the EPA Science Advisory Board on the Equilibrium Partitioning Approach to Generating Sediment Quality Criteria.* U.S. Environmental Protection Agency, (April, 1989).

Technical document evaluating the Equilibrium Partitioning method to be used in generating sediment quality criteria. This reference serves as the first source for understanding sediment quality criteria.

(23) Individual sediment quality criteria documents.

A list of individual sediment quality criteria documents is attached to this appendix.

(24) *State Water Quality Standards Summaries*. U.S. Environmental Protection Agency, (1988).

Contains the water quality standards of 56 States and Territories. Included in each State summary is the responsible agency, contact person, use classifications, criteria, and policy language.

(25) *State Water Quality Standards Summaries* (one for each of the 56 States and Territories). U.S. Environmental Protection Agency, (1988).

Fifty-six individual summaries, each containing the water quality standards for a particular State or Territory. Each summary contains information on the responsible agency, contact person, use classifications, criteria, and policy language for a particular State or Territory.

(26) *Summary of Federally Promulgated Water Quality Standards Actions*. U.S. Environmental Protection Agency, (August, 1989).

Contains a summary of EPA promulgated water quality standards.

Assessment and Watershed Protection Division, Office of Water Regulations and Standards

(27) *Nonpoint Source Guidance*. U.S. Environmental Protection Agency, (December, 1987).

Guidance document describing opportunities for nonpoint source control programs as part of an overall State Clean Water Strategy. Includes information on development of State assessment reports, State Management Programs, and administrative provisions. Also contains information on grant application requirements.

Office of Water Enforcement and Permits

(28) *Technical Support Document for Water Quality-based Toxics Control*. U.S. Environmental Protection Agency, (1985).

Technical support document providing guidance for each step in the water quality-based toxics control process from screening to compliance monitoring. It also details water quality criteria recommended by EPA and how those criteria should be applied. This document is presently undergoing revision. Expected date for completion of revised document is September, 1990.

(29) *Permit Writers Guide to Water Quality-based Toxics Control*. U.S. Environmental Protection Agency, (July, 1987).

(30) *A Primer on the Office of Water Enforcement and Permits and Its Programs*. U.S. Environmental Protection Agency, (1989).

Designed for the general reader, this primer explains how the goals of the Clean Water Act are accomplished through the Office of Water Enforcement and Permits programs.

Office of Federal Activities

(31) *Environmental Activities on Indian Reservation: FY 88*. U.S. Environmental Protection Agency, (March, 1989).

Annual report designed to give an overview of EPA efforts to establish environmental regulations on Indian lands. Gives EPA workyears and dollars expended on each program on Indian lands. Source for identifying existing tribal water programs. Contains EPA's Indian Policy and Implementation Guidance.

Water Quality Criteria Documents

The U.S. Environmental Protection Agency has published water quality criteria for toxic pollutants or pollutant categories. Copies of water quality criteria documents are available from the National Technical Information Service (NTIS), 5285 Front Royal Road, Springfield, Virginia 22161, (703)487-4650. Prices of individual documents may be obtained by contacting the NTIS. Order numbers are indicated below:

	NTIS ORDER NO.	EPA DOCUMENT NO.
Acenaphthene	PB 81-117269	
Acrolein	PB 81-117277	
Acrylonitrile	PB 81-117285	
Aesthetics	PB-263943	
Alkalinity	PB-263943	
Aldrin/Dieldrin	PB 81-117301	
Aluminum	PB 88-245998	
Ammonia	PB 85-227114	EPA 440/5-85-001
Ammonia/Saltwater	PB 89-195242	EPA 440/5-88-004
Antimony	PB 81-117319	
Arsenic	PB 81-117327	EPA 440/5-84-033
	PB 85-227445	
Asbestos	PB 81-117335	
Bacteria	PB 86-158045	
	PB-263943	
Barium	PB-263943	
Benzene	PB 81-117293	
Benzidine	PB 81-117343	
Beryllium	PB 81-117350	
Boron	PB-263943	
Cadmium	PB 81-117368	EPA 440/5-84-032
	PB 85-227031	
Carbon Tetrachloride	PB 81-117376	
Chlordane	PB 81-117384	
Chloride	PB 88-175047	
Chlorinated Benzenes	PB 81-117392	
Chlorinated Ethanes	PB 81-117400	
Chlorinated Naphthalnes	PB 81-117426	
Chlorine	PB 85-227429	EPA 440/5-84-030
Chlorinated Phenols	PB 81-117434	
Chloroalkyl Ethers	PB 81-117418	
Chloroform	PB 81-117442	
Chlorophenoxy Herbicides	PB-263943	
Chlorpyrifos	PB 87-105359	
Chromium	PB 81-117467	
	PB 85-227478	EPA 440/5-84-029
2-Chlorophenol	PB 81-117459	
Color	PB-263943	
Copper	PB 81-117475	
	PB 85-227023	EPA 440/5-84-031
Cyanide	PB 81-117483	EPA 440/5-84-

Water Quality Criteria Document (cont)

	PB 85-227460	
DDT and Metabolites	PB 81-117491	
Demeton	PB-263943	
Dichlorobenzenes	PB 81-117509	
Dichlorobenzidine	PB 81-117517	
Dichloroethylenes	PB 81-117525	
2,4, - Dichlorophenol	PB 81-117533	
Dichloropropanes/Dichloropropenses	PB 81-117541	
2,4, - Dimethylphenol	PB 81-117558	
Dinitrotoluene	PB 81-117566	
Diphenylhydrazine	PB 81-117731	
Endosulfan	PB 81-117574	
Endrin	PB 81-117582	
Ethylbenzene	PB 81-117590	
Flouranthene	PB 81-117608	
Gasses, Total Dissolved	PB-263943	
Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses.	PB 85-227049	
Guthion	PB-263943	
Haloethers	PB 81-117616	
Halomethanes	PB 81-117624	
Hardness	PB-263943	
Heptachlor	PB 81-117632	
Hexachlorobutadiene	PB 81-117640	
Hexachlorocyclohexane	PB 81-117657	
Hexachlorocyclopentadiene	PB 81-117665	
Iron	PB-263943	
Isophorone	PB 81-117673	
Lead	PB 81-117681	EPA 440/5-84-027
	PB 85-227437	
Malathion	PB-263943	
Manganese	PB-263943	
Mercury	PB 81-117699	
	PB 85-227452	EPA 440/5-84-026
Methoxychlor	PB-263943	
Mirex	PB-263943	
Naphthalene	PB 81-117707	
Nickel	PB 81-117715	
	PB 87-105359	
Nitrates, Nitrites	PB-263943	
Nitrobenzene	PB 81-117723	
Nitrophenols	PB 81-117749	
Nitrosamines	PB 81-117756	
Oil and Grease	PB-263943	
Oxygen, Dissolved	PB 86-208253	
Parathion	PB 87-105383	
Pentachlorophenol	PB 81-117764	
	PB 87-105391	

Water Quality Criteria Document (cont)

Ph	PB-263943
Phenol	PB 81-117772
Phosphorus	PB-263943
Phthalate Esters	PB 81-117780
Polychlorinated Biphenyls	PB 81-117798
Polynuclear Aromatic Hydrocarbons	PB 81-117806
Selenium	PB 81-117814
	PB 88-142239
Silver	PB 81-117822
Solids (Dissolved) & Salinity	PB-263943
Solids (Suspended) & Turbidity	PB-263943
Sulfides, Hydrogen Sulfide	PB-263943
Tainting Substances	PB-263943
Temperature	PB-263943
2,3,7,8 - Tetrachlorodibenzo-p-dioxin	(To be Supplied)
Tetrachloroethylene	PB 81-117830
Thallium	PB 81-117848
Toluene	PB 81-117855
Toxaphene	PB 81-117863
	PB 87-105375
Trichloroethylene	PB 81-117871
Vinyl Chloride	PB 81-117889
Zinc	PB 81-117897
	PB 87-153581

REV. 12/15

CRITERIA AND STANDARDS DIVISION
CLEARINGHOUSE ORDER FORM

INDICATE NUMBER OF DOCUMENTS REQUESTED; COMPLETE REQUESTOR PROFILE BELOW:

STANDARDS BRANCH

REQUESTOR PROFILE
NAME
POSITION/TITLE
ORGANIZATION
STREET ADDRESS
CITY/STATE/ZIP CODE
TELEPHONE NUMBER

☐ CHECK HERE IF REQUESTOR WANTS TO BE PLACED ON CSD'S MAILING LIST

DATE REQUEST MADE

DATE SUBMITTED TO EPA

DATE DYNAMAC RECEIVED

TITLE	NUMBER DOCUMENT(S) REQUESTED	REQUEST FILLED (FOR DYNAMAC'S USE ONLY)
Water Quality Standards Regulation, Part I. Environmental Protection Agency, *Federal Register*, November 8, 1983.		
Water Quality Standards Handbook, December 1983		
• Questions and Answers on Antidegradation, August 1985.		
• Nonpoint Source Controls and Water Quality Standards, August 19, 1987.		
• Variances in Water Quality Standards, March 1985.		
Water Quality Standards for the 21st Century, 1989.		
A Compilation of Water Quality Standards for Marine Waters, November 1982.		
Technical Support Manual: Waterbody Surveys and Assessments for Conducting Use Attainability Analyses, November 1983.		
Technical Support Manual: Waterbody Surveys and Assessments for Conducting Use Attainability Analyses, Volume II: Estuarine Systems		
Technical Support Manual: Waterbody Surveys and Assessments for Conducting Use Attainability Analyses, Volume III: Lake Systems. November 1984.		
Introduction to Water Quality Standards, EPA. 440/5-88/089, September 1988.		

CRITERIA AND STANDARDS DIVISION
CLEARINGHOUSE ORDER FORM

STANDARDS BRANCH (Continued)		
TITLE	NUMBER DOCUMENT(S) REQUESTED	REQUEST FILLED (FOR DYNAMAC'S USE ONLY)
Ambient Water Quality Criteria for Bacteria, - 1986 EPA 440/5-84/002		
Bacteriological Ambient Water Quality Criteria; Availability, Federal Register, Volume 51, No. 45, Friday, March 7, 1986.		
• Test Methods for Escherichia Coil and Enterococci; In Water By The Membrane Filter Procedure, EPA 600/4-85/076, 1985.		
Twenty-six Water Quality Standard Criteria Summaries, September 1988. Copies can be obtained from the National Technical Information Service (see address and phone number below).		
Fifty-seven State Water Quality Standard Summaries, September 1988. Copies can be obtained from the National Technical Information Service (see address and phone number below).		
State Adoption/Proposal of Numeric Criteria for Priority Pollutants as of August 1988.		
Transmittal of Final "Guidance for State Implementation of Water Quality Standards for CWA Section 303 (c) (2) (B)", December 12, 1988.		
Summary of Federally Promulgated Water Quality Standards Actions, August 1989.		

National Technical Information Services
5285 Front Royal Road
Springfield, VA 22161
(703) 487-4650

REV. 12/15/89

CRITERIA AND STANDARDS DIVISION
CLEARINGHOUSE ORDER FORM

INDICATE NUMBER OF DOCUMENTS REQUESTED; COMPLETE REQUESTOR PROFILE BELOW:

CRITERIA BRANCH

REQUESTOR PROFILE	
NAME	
POSITION/TITLE	
ORGANIZATION	
STREET ADDRESS	
CITY/STATE/ZIP CODE	
TELEPHONE NUMBER	

☐ CHECK HERE IF REQUESTOR WANTS TO BE PLACED ON CSD'S MAILING LIST

DATE REQUEST MADE

DATE SUBMITTED TO EPA

DATE DYNAMAC RECEIVED

TITLE	NUMBER DOCUMENT(S) REQUESTED	REQUEST FILLED (FOR DYNAMAC'S USE ONLY)
Ambient Water Quality Criteria		
• Ambient Water Quality Criteria for Aluminum - 1988, EPA 440/5-88-008, August 1988.		
• Ambient Water Quality Criteria for Ammonia - 1984, EPA 440/5-88-001, January 1985.		
• Ambient Water Quality Criteria for Ammonia (Saltwater) - 1989, EPA 440/5-88-004, April 1989.		
• Ambient Water Quality Criteria for Arsenic - 1984, EPA 440/5-88-033, January 1985.		
• Ambient Water Quality Criteria for Cadmium - 1984, EPA 440/5-84/032, January 1985.		
• Ambient Water Quality Criteria for Chloride - 1988, EPA 440/5-88/001, February 1988.		
• Ambient Water Quality Criteria for Chromium - 1984, EPA 440/5-88-029, January 1985.		
• Ambient Water Quality Criteria for Copper - 1984, EPA 440/5-88-031, January 1985.		
• Ambient Water Quality Criteria for Dissolved Oxygen - EPA 440/5-88-003, April 1986.		
• Ambient Water Quality Criteria for Lead - EPA 440/5-88-027, January 1985.		
• Ambient Water Quality Criteria for Mercury - EPA 440/5-88-026, January 1985.		

CRITERIA AND STANDARDS DIVISION
CLEARINGHOUSE ORDER FORM

CRITERIA BRANCH (Continued)

TITLE	NUMBER DOCUMENT(S) REQUESTED	REQUEST FILLED (FOR STEMMAC'S USE ONLY)
• Ambient Water Quality Criteria for Tributyltin - 1988, Draft 9/27/88.		
Briefing Report to the EPA Science Advisory Board on the Equilibrium Partitioning Approach to Generating Sediment Quality Criteria, EPA 440/5-89-002.		
Evaluation of Sediment Normalization Theory for Organic Contaminants - January 1986.		
Evaluation of the Equilibrium Partition Theory for Estimating the Toxicity of the Nonpolar Organic Compound DDT to the Sediment & Dwelling Organism Rhepoxynius Abronius - August 1987.		
Guidance for Sampling of and Analyzing for Organic Contaminants in Sediments - January 1987.		
Initial Evaluation of Alternatives for Development of Sediment-Related Criteria for Toxic Contaminants in Marine Water (Puget Sound) - October 1983.		
Protocol for Sediment Toxicity Testing for Nonpolar Organic Compounds - February 1986.		
Final Report - Recalculation of Screening Level Concentrations for Nonpolar Organic Contaminants in Marine Sediments - December 1987.		
Reconnaissance Field Study for Verification of Equilibrium Partitioning and Nonpolar Hydrophobic Organic Chemicals - November 1987.		
Regulatory Applications of Sediment Criteria, June 24, 1987.		
Sediment Quality Criteria Methodology Validation: Calculation of Screening Level Concentrations from Field Data, Undated.		
Sediment Quality Criteria Methodology Validation: Uncertainty Analysis of Sediment Normalization Theory for Nonpolar Organic Contaminants - July 10, 1987.		
Sediment Quality Criteria Methodology Validation: Uncertainty Analysis of Sediment Normalization Theory for Nonpolar Organic Contaminants - November 1987.		
Sediment Quality Criteria Validation: Calculation of Screening Level Concentrations from Field Data - July 1986.		

CRITERIA AND STANDARDS DIVISION
CLEARINGHOUSE ORDER FORM

CRITERIA BRANCH (Continued)		
TITLE	NUMBER REQUESTED DOCUMENT(S)	[illegible]
Sediment Quality Criteria for Metals: II. Review of Methods for Quantitative Determination of Important Absorbents and Sorbed Metals in Sediments - August 1987.		
Sediment Quality Criteria for Metals: III. Review of Data on Complexation of Trace Metal by Particulate Organic Carbon - January 1987.		
Sediment Quality Criteria for Metals: IV. Optimization of Extraction Methods for Determining the Quantity of Sorbents and Adsorbic Metals in Sediments - December 1987.		
Sediment Quality Criteria for Metals: V. Optimization of Extraction Methods for Determining the Quantity of Sorbents and Adsorbic Metals in Sediments - December 1987.		
Quality Criteria for Water 1986. (Gold Book includes updates 1 and 2). Copies may be obtained from the Government Printing Office (GPO Order No. 955-002-00000-0). Cost $23.00 (See address and phone number below)		

Government Printing Office
Superintendent of Documents
North Capital and H Streets, NW
Washington, DC 20401
(202) 783-3238

Appendix B. EPA Regional Offices and Headquarters Contacts

Listed below are the Water Quality Standards (WQS) Coordinators for each EPA Regional Office. (See Appendix C for a map detailing the geographic areas of responsibility for each Regional Office.) Headquarters contacts are listed at the end of this appendix.

Questions can be directed to the appropriate Regional WQS Coordinator or Headquarters representative. Reference materials in Appendix A also can be obtained from the appropriate Regional WQS Coordinator or Headquarters representative.

REGIONAL OFFICES CONTACTS:

REGION 1

Eric Hall
WQS Coordinator
Water Division
EPA Region 1
JFK Federal Bldg., Room 2203
Boston, MA 02203

Telephone: (617) 565-3533

REGION 2

Rick Balla
WQS Coordinator
Water Division
EPA Region 2
Jacob K. Javitz Building
26 Federal Plaza
New York, NY 10278

Telephone: (212) 264-1559

REGION 3

Randy Waite
WQS Coordinator
Water Division
EPA Region 3
841 Chestnut Street
Philadelphia, PA 19103

Telephone: (215) 597-3425

REGION 4

Fritz Wagener
WQS Coordinator
Water Division
EPA Region 4
345 Courtland Street, N.E.
Atlanta, GA 30365

Telephone: (404) 347-2126

REGION 5

Jim Luey
WQS Coordinator
Water Division
EPA Region 5 (TUD-8)
230 Dearborn Street
Chicago, IL 60604

Telephone: (312) 886-0135

REGION 6

David Neleigh
WQS Coordinator
EPA Region 6
1445 Ross Avenue
Allied Bank Tower
Dallas, TX 75202-2733

Telephone: (214) 665-7145

REGION 7

John Houlihan
WQS Coordinator
Water Compliance Branch
EPA Region 7
726 Minnesota Avenue
Kansas City, KS 66101

Telephone: (913) 551-7432

REGION 8

Bill Wuerthele
WQS Coordinator
Water Division
EPA Region 8 (AWM-SP)
999 18th Street, Suite 500
Denver CO 80202-2405

Telephone: (303) 293-1586

REGION 9

Phil Woods
WQS Coordinator
Water Division
EPA Region 9 (W-3)
1235 Mission Street
San Francisco, CA 94103

Telephone: (415) 705-2177

REGION 10

Fletcher Shives
WQS Coordinator
Water Division
EPA Region 10 (WD-139)
1200 Sixth Avenue
Seattle, WA 98101

Telephone: (206) 422-8293

Listed below are Headquarters contacts in the Criteria and Standards Division. This division, within the Office of Water Regulations and Standards, is responsible for the water quality standards program. All of the Headquarters contacts have the same mailing address.

HEADQUARTERS CONTACTS:

Criteria and Standards Division (WH-585)
Office of Water Regulations and Standards
Environmental Protection Agency
401 M. Street, S.W.
Washington, D.C. 20460

William R. Diamond, Director
Criteria and Standards Division
Telephone: (202) 475-7301

David K. Sabock, Chief
Standards Branch
Telephone: (202) 475-7318

R. Kent Ballentine, Chief
Regulation and Policy Section
Telephone: (202) 475-7323

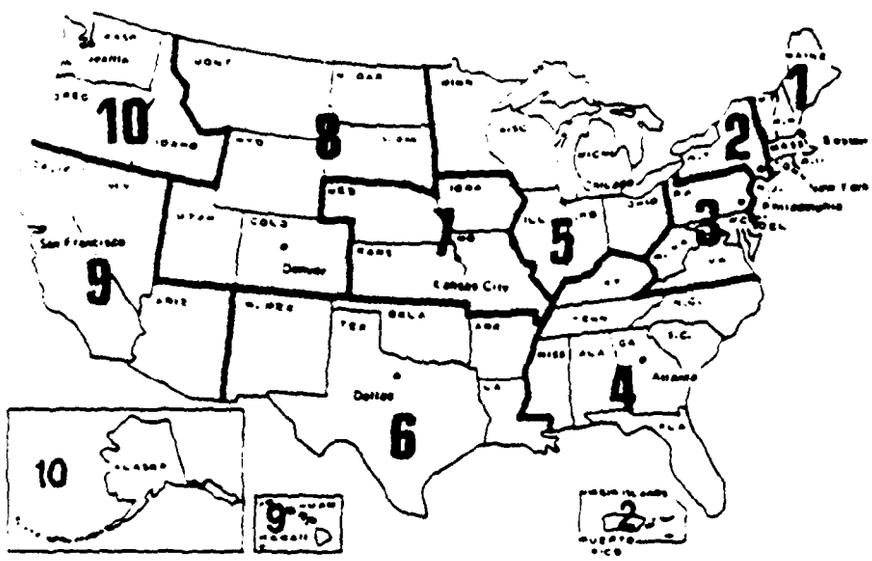
Marjorie A. Pitts, Chief
Program Support Section
Telephone: (202) 475-7304

Robert W. April, Chief
Criteria Branch
Telephone: (202) 475-7322

Frank E. Gostomski, Chief
Water Quality Criteria Section
Telephone: (202) 475-7321

Christopher S. Zarba, Chief
Multi-Media Criteria Section
Telephone: (202) 475-7326

Appendix C. Map of Geographical Boundaries for EPA Regional Offices



Regions	Regions	Regions
4 — Alabama	1 — Maine	3 — Pennsylvania
10 — Alaska	3 — Maryland	1 — Rhode Island
9 — Arizona	1 — Massachusetts	4 — South Carolina
6 — Arkansas	5 — Michigan	8 — South Dakota
9 — California	5 — Minnesota	4 — Tennessee
8 — Colorado	4 — Mississippi	6 — Texas
1 — Connecticut	7 — Missouri	8 — Utah
3 — Delaware	8 — Montana	1 — Vermont
3 — D.C.	7 — Nebraska	3 — Virginia
4 — Florida	9 — Nevada	10 — Washington
4 — Georgia	1 — New Hampshire	3 — West Virginia
9 — Hawaii	2 — New Jersey	5 — Wisconsin
10 — Idaho	6 — New Mexico	8 — Wyoming
5 — Illinois	2 — New York	9 — American Samoa
5 — Indiana	4 — North Carolina	9 — Guam
7 — Iowa	8 — North Dakota	2 — Puerto Rico
7 — Kansas	5 — Ohio	2 — Virgin Islands
4 — Kentucky	6 — Oklahoma	
6 — Louisiana	10 — Oregon	

Appendix D. Section 518 of the Clean Water Act

SEC. 518. INDIAN TRIBES.

(a) POLICY.—Nothing in this section shall be construed to affect the application of section 101(g) of this Act, and all of the provisions of this section shall be carried out in accordance with the provisions of such section 101(g). Indian tribes shall be treated as States for purposes of such section 101(g).

(b) ASSESSMENT OF SEWAGE TREATMENT NEEDS; REPORT.—The Administrator, in cooperation with the Director of the Indian Health Service, shall assess the need for sewage treatment works to serve Indian tribes, the degree to which such needs will be met through funds allotted to States under section 205 of this Act and priority lists under section 216 of this Act, and any obstacles which prevent such needs from being met. Not later than one year after the date of the enactment of this section, the Administrator shall submit a report to Congress on the assessment under this subsection, along with recommendations specifying (1) how the Administrator intends to provide assistance to Indian tribes to develop waste treatment management plans and to construct treatment works under this Act, and (2) methods by which the participation in and administration of programs under this Act by Indian tribes can be maximized.

(c) RESERVATION OF FUNDS.—The Administrator shall reserve each fiscal year beginning after September 30, 1986, before allotments to the States under section 205(c), one-half of one percent of the sums appropriated under section 207. Sums reserved under this subsection shall be available only for grants for the development of waste treatment management plans and for the construction of sewage treatment works to serve Indian tribes.

(d) COOPERATIVE AGREEMENTS.—In order to ensure the consistent implementation of the requirements of this Act, an Indian tribe and the State or States in which the lands of such tribe are located may enter into a cooperative agreement, subject to the review and approval of the Administrator, to jointly plan and administer the requirements of this Act.

(e) TREATMENT AS STATES.—The Administrator is authorized to treat an Indian tribe as a State for purposes of title II and sections 104, 106, 303, 305, 308, 309, 314, 319, 401, 402, and 404 of this Act to the degree necessary to carry out the objectives of this section, but only if—

(1) the Indian tribe has a governing body carrying out substantial governmental duties and powers;

(2) the functions to be exercised by the Indian tribe pertain to the management and protection of water resources which are held by an Indian tribe, held by the United States in trust for Indians, held by a member of an Indian tribe if such property interest is subject to a trust restriction on alienation, or otherwise within the borders of an Indian reservation; and

(3) the Indian tribe is reasonably expected to be capable, in the Administrator's judgment, of carrying out the functions to be exercised in a manner consistent with the terms and purposes of this Act and of all applicable regulations.

Such treatment as a State may include the direct provision of funds reserved under subsection (c) to the governing bodies of Indian tribes, and the determination of priorities by Indian tribes, where not determined by the Administrator in cooperation with the Director of the Indian Health Service. The Administrator, in cooperation with the Director of the Indian Health Service, is authorized to make grants under title II of this Act in an amount not to exceed 100 percent of the cost of a project. Not later than 18 months after the date of the enactment of this section, the Administrator shall, in consultation with Indian tribes, promulgate final regulations which specify how Indian tribes shall be treated as States for purposes of this Act. The Administrator shall, in promulgating such regulations, consult affected States sharing common water bodies and provide a mechanism for the resolution of any unreasonable consequences that may arise as a result of differing water quality standards that may be set by States and Indian tribes located on common bodies of water. Such mechanism shall provide for explicit consideration of relevant factors including, but not limited to, the effects of differing water quality permit requirements on upstream and downstream dischargers, economic impacts, and present and historical uses and quality of the waters subject to such standards. Such mechanism should provide for the avoidance of such unreasonable consequences in a manner consistent with the objective of this Act.

(f) GRANTS FOR NONPOINT SOURCE PROGRAMS.—The Administrator shall make grants to an Indian tribe under section 319 of this Act as though such tribe was a State. Not more than one-third of one percent of the amount appropriated for any fiscal year under section 319 may be used to make grants under this subsection. In addition to the requirements of section 319, an Indian tribe shall be required to meet the requirements of paragraphs (1), (2), and (3) of subsection (d) of this section in order to receive such a grant.

(g) ALASKA NATIVE ORGANIZATIONS.—No provision of this Act shall be construed to—

(1) grant, enlarge, or diminish, or in any way affect the scope of the governmental authority, if any, of any Alaska Native organization, including any federally-recognized tribe, traditional Alaska Native council, or Native council organized pursuant to the Act of June 18, 1934 (48 Stat. 987), over lands or persons in Alaska;

(2) create or validate any assertion by such organization or any form of governmental authority over lands or persons in Alaska; or

(3) in any way affect any assertion that Indian country, as defined in section 1151 of title 18, United States Code, exists or does not exist in Alaska.

(h) DEFINITIONS.—For purposes of this section, the term—

(1) "Federal Indian reservation" means all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; and

(2) "Indian tribe" means any Indian tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a Federal Indian reservation.