

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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SUBJECT Water Quality Standards

FROM Jack E. Ravan, Assistant Administrator
for Water (WH-556) *Jack Ravan*

TO Regional Administrators

On November 8, 1983, the Agency published its revised water quality standards regulation, and a supplementary Water Quality Standards Handbook will be coming to you shortly. Because this regulation represents a major step forward in our water quality program, I would like to emphasize the importance we attach to effective implementation of the standards program requirements.

The Administrator and I both believe that, in implementing the new regulation, the Agency should put primary emphasis on working with the States to improve the water quality standards for toxic pollutants. The revised regulations emphasize that States should adopt water quality criteria for toxic pollutants (using EPA's water quality criteria guidance or developing site-specific criteria when appropriate) where there are toxics problems. In addition, our new policy on the development of water quality based permits for toxics emphasizes that, in addition to implementing specific water quality criteria where they exist, EPA and the States will implement the general narrative limitations on "toxics in toxic amounts." This task requires careful attention to the mechanisms, such as biological assessment criteria, used in the States to interpret the narrative standard.

To be able to implement the requirements of the new regulation, regional resources budgeted for this program increased substantially from only 10 FTE's three years ago to 55 FTE's in FY 1984. I expect these resources to be applied effectively in implementing the standards program and will be including a review of their use in the Office of Water's regional evaluation process this Spring. To assist you and the States in implementing the new regulation, I have directed the Headquarters water quality standards staff to provide as much technical assistance as possible in interpreting the regulation's requirements, conducting use attainability analyses, and developing site-specific criteria.

At the December 1-2, 1983, meeting of the regional water quality standards coordinators, several questions were raised regarding the process of implementing the revised regulation.

In particular, there was concern about phasing where States had already submitted revised standards to the regional office for approval or were in the middle of their revision process. As a general matter, you are expected to use judgment and common sense in implementing the new requirements since each State administers its standards program in a different manner and is at a different point in the standards revision process.

If a State (and I understand there are about eight in this category) formally submitted its standards for approval recently, the review should be conducted based on the previous regulation except in those areas where there is a substantive conflict between the two regulations on the same point (this should only occur where there are downgrading actions recommended and the requirements of the previous regulation were inoperative). The standards could be approved, even though they do not implement all of the new requirements (principally for toxics). In your letter to the State you should identify areas where changes may be necessary to meet new requirements and establish a schedule for doing so as soon as possible.

In developing these plans and schedules you should consider each State's varying program needs, the administrative mechanisms of each State, and the extent of assistance your staff can provide in problem identification, priority setting, and data generation. These factors are particularly important in the area of toxic pollutant problem identification and developing control strategies. It may require several years for a State to develop an adequate response to the requirements of the regulation.

Another question raised by your regional coordinators concerns our policy on promulgating Federal water quality standards. Our policy is straightforward: It is not only our legal right to promulgate Federal standards, but it is also our obligation to do so when conditions warrant. If Federal promulgation is necessary to ensure compliance with the regulation and the intent and spirit of the Clean Water Act, we will use that mechanism. As ever, our first choice is to attempt to resolve any disputes between ourselves and a State based on mutual agreement and understanding.

The Administrator has said that he expects the regulatory revisions will substantially improve the ability of both the States and EPA to implement the standards program in accord with the spirit and intent of the Act. I am committed to that task and look forward to working with you to accomplish it.