

**Environmental Protection Agency**

**§ 131.21**

the purpose of reviewing applicable water quality standards and, as appropriate, modifying and adopting standards. Any water body segment with water quality standards that do not include the uses specified in section 101(a)(2) of the Act shall be re-examined every three years to determine if any new information has become available. If such new information indicates that the uses specified in section 101(a)(2) of the Act are attainable, the State shall revise its standards accordingly. Procedures States establish for identifying and reviewing water bodies for review should be incorporated into their Continuing Planning Process.

(b) *Public participation.* The State shall hold a public hearing for the purpose of reviewing water quality standards, in accordance with provisions of State law, EPA's water quality management regulation (40 CFR 130.3(b)(6)) and public participation regulation (40 CFR part 25). The proposed water quality standards revision and supporting analyses shall be made available to the public prior to the hearing.

(c) *Submittal to EPA.* The State shall submit the results of the review, any supporting analysis for the use attainability analysis, the methodologies used for site-specific criteria development, any general policies applicable to water quality standards and any revisions of the standards to the Regional Administrator for review and approval, within 30 days of the final

State action to adopt and certify the revised standard, or if no revisions are made as a result of the review, within 30 days of the completion of the review.

**§131.21 EPA review and approval of water quality standards.**

(a) After the State submits its officially adopted revisions, the Regional Administrator shall either:

(1) Notify the State within 60 days that the revisions are approved, or

(2) Notify the State within 90 days that the revisions are disapproved. Such notification of disapproval shall specify the changes needed to assure compliance with the requirements of the Act and this regulation, and shall explain why the State standard is not in compliance with such requirements. Any new or revised State standard must be accompanied by some type of supporting analysis.

(b) The Regional Administrator's approval or disapproval of a State water quality standard shall be based on the requirements of the Act as described in §§131.5 and 131.6, and, with respect to Great Lakes States or Tribes (as defined in 40 CFR 132.2), 40 CFR part 132.

(c) *How do I determine which water quality standards are applicable for purposes of the Act?* You may determine which water quality standards are applicable water quality standards for purposes of the Act from the following table:

If—	Then—	Unless or until—	In which case—
(1) A State or authorized Tribe has adopted a water quality standard that is effective under State or Tribal law and has been submitted to EPA before May 30, 2000...	...the State or Tribe's water quality standard is the applicable water quality standard for purposes of the Act...	...EPA has promulgated a more stringent water quality standard for the State or Tribe that is in effect...	...the EPA-promulgated water quality standard is the applicable water quality standard for purposes of the Act until EPA withdraws the Federal water quality standard.
(2) A State or authorized Tribe adopts a water quality standard that goes into effect under State or Tribal law on or after May 30, 2000...	...once EPA approves that water quality standard, it becomes the applicable water quality standard for purposes of the Act...	... EPA has promulgated a more stringent water quality standard for the State or Tribe that is in effect...	...the EPA promulgated water quality standard is the applicable water quality standard for purposes of the Act until EPA withdraws the Federal water quality standard.

(d) *When do I use the applicable water quality standards identified in paragraph (c) above?*

Applicable water quality standards for purposes of the Act are the min-

imum standards which must be used when the CWA and regulations implementing the CWA refer to water quality standards, for example, in identifying impaired waters and calculating

**§ 131.22**

TMDLs under section 303(d), developing NPDES permit limitations under section 301(b)(1)(C), evaluating proposed discharges of dredged or fill material under section 404, and in issuing certifications under section 401 of the Act.

(e) *For how long does an applicable water quality standard for purposes of the Act remain the applicable water quality standard for purposes of the Act?*

A State or authorized Tribe's applicable water quality standard for purposes of the Act remains the applicable standard until EPA approves a change, deletion, or addition to that water quality standard, or until EPA promulgates a more stringent water quality standard.

(f) *How can I find out what the applicable standards are for purposes of the Act?*

In each Regional office, EPA maintains a docket system for the States and authorized Tribes in that Region, available to the public, identifying the applicable water quality standards for purposes of the Act.

[48 FR 51405, Nov. 8, 1983, as amended at 60 FR 15387, Mar. 23, 1995; 65 FR 24653, Apr. 27, 2000]

**§ 131.22 EPA promulgation of water quality standards.**

(a) If the State does not adopt the changes specified by the Regional Administrator within 90 days after notification of the Regional Administrator's disapproval, the Administrator shall promptly propose and promulgate such standard.

(b) The Administrator may also propose and promulgate a regulation, applicable to one or more States, setting forth a new or revised standard upon determining such a standard is necessary to meet the requirements of the Act.

(c) In promulgating water quality standards, the Administrator is subject to the same policies, procedures, analyses, and public participation requirements established for States in these regulations.

**40 CFR Ch. I (7-1-00 Edition)**

**Subpart D—Federally Promulgated Water Quality Standards**

**§ 131.31 Arizona.**

(a) Article 6, part 2 is amended as follows:

(1) Reg. 6-2-6.11 shall read:

*Reg. 6-2-6.11 Nutrient Standards.* A. The mean annual total phosphate and mean annual total nitrate concentrations of the following waters shall not exceed the values given below nor shall the total phosphate or total nitrate concentrations of more than 10 percent of the samples in any year exceed the 90 percent values given below. Unless otherwise specified, indicated values also apply to tributaries to the named waters.

	Mean 90 pct annual value	
	Total phosphates as PO <sub>4</sub> mg/l	Total nitrates as NO <sub>3</sub> mg/l
1. Colorado River from Utah border to Willow Beach (main stem) .....	0.04-0.06	4-7
2. Colorado River from Willow Beach to Parker Dam (main stem) .....	0.06-0.10	5
3. Colorado River from Parker Dam to Imperial Dam (main stem) .....	0.08-0.12	5-7
4. Colorado River from Imperial Dam to Morelos Dam (main stem) .....	0.10-0.10	5-7
5. Gila River from New Mexico border to San Carlos Reservoir (excluding San Carlos Reservoir) .....	0.50-0.80	.....
6. Gila River from San Carlos Reservoir to Ashurst Hayden Dam (including San Carlos Reservoir) .....	0.30-0.50	.....
7. San Pedro River .....	0.30-0.50	.....
8. Verde River (except Granite Creek) .....	0.20-0.30	.....
9. Salt River above Roosevelt Lake .....	0.20-0.30	.....
10. Santa Cruz River from international boundary near Nogales to Sahuarita .....	0.50-0.80	.....
11. Little Colorado River above Lyman Reservoir .....	0.30-0.50	.....

B. The above standards are intended to protect the beneficial uses of the named waters. Because regulation of nitrates and phosphates alone may not be adequate to protect waters from eutrophication, no substance shall be added to any surface water which produces aquatic growth to the extent that such growths create a public nuisance or interference with beneficial uses of the water defined and designated in Reg. 6-2-6.5.