

§ 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 ₄ mg/l	Total nitrates as NO ₃ 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.

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(2) Reg. 6-2-6.10 Subparts A and B are amended to include Reg. 6-2-6.11 in series with Regs. 6-2-6.6, 6-2-6.7 and 6-2-6.8.

(b) The following waters have, in addition to the uses designated by the State, the designated use of fish consumption as defined in R18-11-101 (which is available from the Arizona Department of Environmental Quality, Water Quality Division, 3033 North Central Ave., Phoenix, AZ 85012):

COLORADO MAIN STEM RIVER BASIN:

Hualapai Wash

MIDDLE GILA RIVER BASIN:

Agua Fria River (Camelback Road to Avondale WWTP)

Galena Gulch

Gila River (Felix Road to the Salt River)

Queen Creek (Headwaters to the Superior WWTP)

Queen Creek (Below Potts Canyon)

SAN PEDRO RIVER BASIN:

Copper Creek

SANTA CRUZ RIVER BASIN:

Agua Caliente Wash

Nogales Wash

Sonoita Creek (Above the town of Patagonia)

Tanque Verde Creek

Tinaja Wash

Davidson Canyon

UPPER GILA RIVER BASIN

Chase Creek

(c) To implement the requirements of R18-11-108.A.5 with respect to effects of mercury on wildlife, EPA (or the State with the approval of EPA) shall implement a monitoring program to assess attainment of the water quality standard.

(Sec. 303, Federal Water Pollution Control Act, as amended, 33 U.S.C. 1313, 86 Stat. 816 *et seq.*, Pub. L. 92-500; Clean Water Act, Pub. L. 92-500, as amended; 33 U.S.C. 1251 *et seq.*)

[41 FR 25000, June 22, 1976; 41 FR 48737, Nov. 5, 1976. Redesignated and amended at 42 FR 56740, Oct. 28, 1977. Further redesignated and amended at 48 FR 51408, Nov. 8, 1983; 61 FR 20693, May 7, 1996]

§ 131.32 Pennsylvania.

(a) *Antidegradation policy.* This antidegradation policy shall be applicable to all waters of the United States within the Commonwealth of Pennsylvania, including wetlands.

(1) Existing in-stream uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.

(2) Where the quality of the waters exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the Commonwealth finds, after full satisfaction of the inter-governmental coordination and public participation provisions of the Commonwealth's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such degradation or lower water quality, the Commonwealth shall assure water quality adequate to protect existing uses fully. Further, the Commonwealth shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable best management practices for nonpoint sources.

(3) Where high quality waters are identified as constituting an outstanding National resource, such as waters of National and State parks and wildlife refuges and water of exceptional recreational and ecological significance, that water quality shall be maintained and protected.

(b) [Reserved]

[61 FR 64822, Dec. 9, 1996]

§ 131.33 Idaho.

(a) *Temperature criteria for bull trout.*

(1) Except for those streams or portions of streams located in Indian country, or as may be modified by the Regional Administrator, EPA Region X, pursuant to paragraph (a)(3) of this section, a temperature criterion of 10 °C, expressed as an average of daily maximum temperatures over a seven-day period, applies to the waterbodies identified in paragraph (a)(2) of this section during the months of June, July, August and September.

(2) The following waters are protected for bull trout spawning and rearing: