

Selected Resources for Developing New or Revised Tribal Water Quality Standards

The following resources and information are available to support tribes within EPA Region 10 who are developing or revising water quality standards under the Clean Water Act. This list includes links to the most generally useful documents, and does not include most topic-specific guidance available from EPA. Many of the following links are also available via EPA's WQS webpage at <https://www.epa.gov/wqs-tech>.

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EPA Templates for WQS Development and 304(a) Criteria

The WQS Tools for Tribes webpage contains a variety of information designed to facilitate development of WQS and toxics criteria, including a calculator for human health criteria. This is a good place to start when developing or revising WQS.

1. WQS Tools for Tribes web page: <https://www.epa.gov/wqs-tech/water-quality-standards-tools-tribes>
 - TAS application template
 - Model WQS template
 - Human health criteria calculator (variable fish consumption rate and cancer risk factor)
 - Additional tools: TMDLs, downstream protection, public hearings, nutrient pollution reduction, variances, wetlands WQS
2. Wetlands WQS template: <https://www.epa.gov/wqs-tech/templates-developing-wetland-water-quality-standards>

The wetlands WQS template can be used to customize the wetlands language in the model WQS template identified above.

EPA Training and Guidance for WQS Development

1. Water Quality Standards Handbook (maintained online): <https://www.epa.gov/wqs-tech/water-quality-standards-handbook>

The WQS Handbook has been updated to reflect the 2015 reg revision.
2. What is a new or revised WQS? <https://www.epa.gov/sites/production/files/2014-11/documents/cwa303faq.pdf>

EPA only has the authority and duty under CWA Section 303(c)(3) to approve or disapprove new or revised WQS within a WQS package. The linked document describes the four questions that EPA considers when evaluating whether a provision constitutes a new or revised WQS that requires EPA action. WQS packages generally include many provisions that do not meet this four-part test, and EPA would not act on these, but they are still important to include in the WQS. For example, language that is not a WQS under the CWA could provide background or contextual information, a legal framework, or mandate implementation procedures.
3. EPA's online WQS training modules: <https://www.epa.gov/wqs-tech/water-quality-standards-academy>
4. Reference library of WQS policy and guidance documents: <https://www.epa.gov/wqs-tech/reference-library-water-quality-standards-policy-and-guidance-documents>
5. Searchable list of the EPA's guidance documents related to water issues: <https://www.epa.gov/guidance/guidance-documents-managed-office-water>

EPA 304(a) Criteria and Guidance for Selected Pollutants

Toxics Criteria

1. EPA's 304(a) criteria summary table with links to individual criteria documents
 - Human health criteria: <https://www.epa.gov/wqc/national-recommended-water-quality-criteria-human-health-criteria-table>
 - Aquatic life criteria: <https://www.epa.gov/wqc/national-recommended-water-quality-criteria-aquatic-life-criteria-table>
2. EPA webpage for human health criteria: <https://www.epa.gov/wqc/human-health-water-quality-criteria-and-methods-toxics>
3. EPA webpage for aquatic life criteria: <https://www.epa.gov/wqc/aquatic-life-criteria-and-methods-toxics>

Temperature and Dissolved Oxygen

1. EPA R10 temperature guidance, intended for protection of salmonids:
 - General webpage <https://www.epa.gov/wa/northwest-water-quality-temperature-guidance-salmon-steelhead-and-bull-trout>
 - Recommended temperature criteria <https://nepis.epa.gov/Exe/ZyPDF.cgi/P1004IUI.PDF?Dockey=P1004IUI.PDF>
2. EPA's criteria document for dissolved oxygen: <https://www.epa.gov/wqc/ambient-water-quality-criteria-dissolved-oxygen>

The 304(a) criteria for dissolved oxygen (DO) in fresh water were published in 1986. They include DO criteria for inter-gravel waters that apply to the inter-gravel life stages of salmonids, and criteria for overlying waters for other life stages. The assumption that inter-gravel DO (IGDO) is 3 mg/L lower than the overlying waters has created difficulties in implementation, and states and tribes in Region 10 have adopted criteria that address IDGO directly, or provide contingencies for the overlying waters when the IGDO is sufficiently high. Please contact the R10 tribal WQS coordinator when developing new or revised DO criteria.

Nutrients

1. General information and 304(a) guidance for nutrient criteria
 - EPA's general nutrients webpage: <https://www.epa.gov/nutrient-policy-data>
 - Main EPA ecoregional nutrient criteria webpage: <https://www.epa.gov/nutrient-policy-data/ecoregional-criteria>

- Ecoregional nutrient criteria recommendations for rivers and streams:
<https://www.epa.gov/nutrient-policy-data/ecoregional-nutrient-criteria-rivers-and-streams>
 - Ecoregional nutrient criteria recommendations for lakes and reservoirs:
<https://www.epa.gov/nutrient-policy-data/ecoregional-nutrient-criteria-lakes-and-reservoirs>
2. Development of site-specific numeric nutrient criteria
- Toolkit of resources for developing numeric nutrient criteria:
<https://www.epa.gov/nutrient-policy-data/toolkit-resources-assist-states-adopting-and-implementing-numeric-nutrient>
 - Nutrient Scientific Technical Exchange Partnership & Support (N-STEPS) webpage:
<https://www.epa.gov/nutrient-policy-data/n-steps>
 - Nutrient criteria (reference criteria) technical guidance manuals:
<https://www.epa.gov/nutrient-policy-data/nutrient-criteria-technical-guidance-manuals>

Recreational Criteria: Bacteria and Cyanotoxins

1. Recreational water quality criteria main page: <https://www.epa.gov/wqc/recreational-water-quality-criteria-and-methods>
2. EPA's 304(a) criteria document for bacterial pathogens is accessed from this page:
<https://www.epa.gov/wqc/2012-recreational-water-quality-criteria-documents>

Two sets of criteria are provided in the criteria document and in the tribal WQS template. For use in WQS, one of the illness rate options should be selected and the criteria for that illness rate included in the WQS. The criteria protect for primary contact and would also be protective for secondary contact. No separate 304(a) criteria for secondary contact are available at this point.

3. EPA's 304(a) criteria document for cyanotoxins is accessed from this page:
<https://www.epa.gov/wqc/recommended-human-health-recreational-ambient-water-quality-criteria-or-swimming-advisories>

The 304(a) criteria recommendations are found in Table 6-1 of this document. The recommendation includes the basic criteria components of magnitude (8 µg/L microcystins or 15 µg/L cylindrospermopsin) and duration (not to be exceeded in more than three 10-day assessment periods over the course of a recreational season). However, states and tribes would make a risk management decision regarding the frequency of exceedance that would be acceptable, i.e., the number of years that more than three exceedances can occur in a season before the recreational use is not supported and the water body is considered to be impaired for cyanotoxins.

4. EPA general webpage for cyanobacterial harmful algal blooms (CyanoHABs): <https://www.epa.gov/cyanohabs>

State and Tribe WQS for Reference in Developing New or Revised WQS

WQS that are in effect for states and other tribes are often useful references, particularly when jurisdiction of waters is shared and the waters are co-managed. EPA recommends confirming the approval status of state or tribal standards that are used as a guide or incorporated into a tribe's new or revised WQS.

Some state and tribal WQS include a section titled "Short Term Modifications," which was included in an earlier (1995) Region 10 WQS template. This language can no longer be approved, since it allows a change in criteria without either providing a fixed procedure for calculating the modified criteria that EPA can approve, or requiring formal adoption and EPA approval of the modified criteria. Variances, compliance schedules, use attainability analyses, or other implementation procedures can be used instead to address temporary exceedances.

1. EPA list of tribally adopted WQS with links to each tribe's standards: <https://www.epa.gov/wqs-tech/epa-actions-tribal-water-quality-standards-and-contacts>

A tribe's WQS may also be available on the tribe's website.

2. State WQS on EPA's website: <https://www.epa.gov/wqs-tech/state-specific-water-quality-standards-effective-under-clean-water-act-cwa>

EPA is beta-testing a new search tool that can be used to search across state WQS for water quality criteria that are in effect for Clean Water Act purposes. EPA expects to release this tool soon.

3. WQS websites for environment departments of R10 states:
 - o Alaska DEC: <https://dec.alaska.gov/water/water-quality/standards/>
 - o Idaho DEQ: <https://www.deq.idaho.gov/water-quality/surface-water/standards.aspx>
 - o Oregon DEQ: <https://www.oregon.gov/deq/wq/Pages/WQ-Standards.aspx>
 - o Washington Ecology: <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A>

Full pdf of WA WQS in "easy to read" format, 2019:

<https://fortress.wa.gov/ecy/publications/SummaryPages/0610091.html>

Clean Water Act and Implementing Regulations

WQS Content: Designated Uses, Criteria, Antidegradation, General Policies

1. CWA section 303(c)(2)(A) and (B) and section 101(a)(2) and (3): <https://www.epa.gov/laws-regulations/summary-clean-water-act>

2. 40 CFR part 131, subpart B: § 131.10 – 131.15: <https://www.ecfr.gov/cgi-bin/text-idx?SID=9e63441059ce14ffe7c45274061fb66b&mc=true&node=pt40.24.131&rgn=div5>

WQS Adoption Process: Rulemaking with Public Participation

1. CWA section 303(c)(1): <https://www.epa.gov/laws-regulations/summary-clean-water-act>
2. 40 CFR part 131.20: <https://www.ecfr.gov/cgi-bin/text-idx?SID=9e63441059ce14ffe7c45274061fb66b&mc=true&node=pt40.24.131&rgn=div5>
3. Public hearings: 40 CFR part 25: <https://www.ecfr.gov/cgi-bin/text-idx?SID=6e894330ab44bf496deca81fc14b582e&node=40:1.0.1.1.24&rgn=div5>.

In particular, see parts 25.5 and 25.10. A formal hearing is required for the proposed WQS or revisions, and notice must be provided 45 days before the hearing.

4. Tribe's code governing rulemaking procedures

2015 Revision of the WQS Regulation, 40 CFR part 131

1. EPA reg revision website: <https://www.epa.gov/wqs-tech/final-rulemaking-update-national-water-quality-standards-regulation>
 - o Summary of 2015 revisions to 40 CFR part 131: <https://www.epa.gov/sites/production/files/2018-10/documents/summary-wqs-regulatory-revisions.pdf>
 - o Redline relative to earlier regulation: <https://www.epa.gov/sites/production/files/2018-10/documents/supp-info-comparison-fr-previously-applicable-rule.pdf>

Additional revisions made in subsequent years are identified in the history for each part of the current regulation.

Waters of the US, 40 CFR Parts 110, 112, 116, 117, 122, 230, 232, 300, 302, and 401

1. CWA Section 404 webpage for WOTUS: <https://www.epa.gov/cwa-404/definition-waters-united-states-under-clean-water-act>
2. EPA general webpage for WOTUS: <https://www.epa.gov/nwpr>
3. Pre-publication version of "The Navigable Waters Protection Rule": https://www.epa.gov/sites/production/files/2020-01/documents/navigable_waters_protection_rule_prepublication.pdf