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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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State Water Quality Standards Approvals Use Attainability Analysis Submittals

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In response to your memo dated November 21, 1984, which raised four questions pertaining to use attainability analyses, we offer the following answers:

Q: Can we approve a standards package with segments having a continuing designation of Class C (in New England, fishable but not swimmable) without a use attainability analysis?

A: Yes, EPA may conditionally approve a standards package with segments having a continuing designation of Class C without having a use attainability analyses. However, the standards package must contain a schedule for completion of the use attainability analyses as soon as possible. The schedule should not be such that the bulk of the analyses are completed at or near the end of the 3-year cycle. If you have reason to believe that the analyses would result in upgrading the use of a water body, you should disapprove the current classification and obtain the attainability analyses as soon as possible. We hope that in the year the Regulation has been in effect a State has accomplished at least some of the analyses, if required. (See Raven memo to RA's, February 2, 1984).

Q: Can we approve the above standards package that includes a commitment from the state to conduct a use attainability analysis either within a three-year period or prior to the award of a construction grant on the affected segment?

A: Yes, but the schedule established (see #1) must have the use attainability analyses being completed on a priority basis throughout the 3 year period.

Q: Most of the Class C segments in Region I are due to combined sewer overflows which cause intermittent violations of Class B bacterial criteria, eliminating swimming as a use. Can we approve generic use attainability analyses for these segments?

A: You may approve water quality standards based on a generic use attainability analysis if the circumstances relating to the segments in question are sufficiently similar to make the

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results of the generic analysis reasonably applicable to each segment. However, the fact that such a generic analysis would be sufficient for purposes of approving water quality standards does not automatically mean that it would be sufficient for purposes of approving grants for advanced waste treatment. (See p. 1-6 of the Water Quality Standards Handbook, paragraph 2).

Q: Is a public hearing or merely the opportunity for public input required for a use attainability analysis submitted subsequently to the approval of a statewide standards package?

A: A State, after a use attainability analyses has been completed, must at a minimum provide for the opportunity for a public hearing on the revised standards (or a decision that no revisions are needed) resulting from the analyses. An actual hearing need be held only if there is a hearing request which raises a material issue. (See page 2-5 of the Water Quality Standards Handbook, paragraph 3).

cc: DOE Coordinators
Regions I - X