



## Fact Sheet

### Water Quality Standards Regulatory Changes

#### Summary

EPA is planning to propose a limited set of targeted changes to the water quality standards regulation to improve its effectiveness in helping restore and maintain the chemical, physical, and biological integrity of the nation's waters. EPA expects to publish a proposed rule in the *Federal Register* in summer 2011. Prior to publishing a proposed rule, EPA will hold informal "listening sessions" inviting members of the public to express their views on the possible changes EPA is considering for the rulemaking as well as offer additional suggestions. EPA will also hold separate, individual listening sessions for tribal, state, and local governments.

#### Background

Water quality standards serve as the foundation for the water quality-based approach to pollution control, including Total Maximum Daily Loads (TMDLs) and National Pollutant Discharge Elimination System (NPDES) permits, and are a fundamental component of watershed management.

EPA developed its federal regulations to implement the requirements of the CWA. The Federal Water Quality Standards regulations are found at 40 CFR Part 131. Fundamentally, the regulation: 1) defines when and how designated uses may be revised; 2) requires criteria to protect those uses and be based on sound science; 3) requires EPA and states to prevent the degradation of water quality, except under certain circumstances; 4) requires states/tribes to review their water quality standards at least every three years and engage the public in any revisions to water quality standards; and 5) specifies roles of states, tribes, and EPA and provides administrative procedures for EPA's review.

#### Potential Scope of the Changes

The core requirements of the current regulation have been in place since 1983. These requirements have provided a solid foundation for water quality-based controls that have been put in place since then. The intent of the changes EPA is considering is to improve the regulation's effectiveness by strengthening protection for high quality waters, ensuring that standards reflect a continued commitment to the goals of the Clean Water Act wherever attainable, improving the transparency of standards actions to the general public, and strengthening EPA oversight. Specifically, EPA is considering providing clarity in the following key areas: 1) antidegradation implementation methods, 2) Administrator's determination, 3) designated uses, 4) variances to water quality standards; 5) triennial review scope and requirements, and 6) updating the regulation to reflect court decisions.

## **Listening Sessions for the Public**

EPA will hold two informal public listening sessions via audio teleconference in August 2010 to inform the public about the rulemaking, and to receive views on changes to the water quality standards regulation that are under consideration. The sessions will provide a review of EPA's current regulation and a summary of the clarifications that EPA is considering, and will allow time for questions and comments. You can find additional information about outreach efforts on EPA's Web site at [www.epa.gov/waterscience/standards/rules/wqs](http://www.epa.gov/waterscience/standards/rules/wqs).

## **How to Get Additional Information**

As this rulemaking proceeds we will provide information updates on EPA's website [www.epa.gov/waterscience/standards/rules/wqs](http://www.epa.gov/waterscience/standards/rules/wqs). You may also email Christina Christensen at [christensen.christina@epa.gov](mailto:christensen.christina@epa.gov) for further information.