

flow, depth, pools, riffles, and ke, unrelated to water quality, de attainment of aquatic life tion uses; or

Controls more stringent than required by sections 301(b) and the Act would result in substan- and widespread economic and so- pact.

ates may not remove designated

They are existing uses, as defined 1.3, unless a use requiring more ent criteria is added; or

Such uses will be attained by im- nting effluent limits required sections 301(b) and 306 of the Act 7 implementing cost-effective and iable best management practices npoint source control.

Where existing water quality ards specify designated uses less those which are presently being ed, the State shall revise its ards to reflect the uses actually attained.

A State must conduct a use at- ility analysis as described in (g) whenever:

The State designates or has des- ed uses that do not include the pecified in section 101(a)(2) of the r

The State wishes to remove a des- ed use that is specified in section (2) of the Act or to adopt subcat- s of uses specified in section (2) of the Act which require less ent criteria.

A State is not required to conduct attainability analysis under this tion whenever designating uses include those specified in section (2) of the Act.

1 Criteria.

Inclusion of pollutants: (1) States adopt those water quality cri- that protect the designated use. criteria must be based on sound ific rationale and must contain ient parameters or constituents tect the designated use. For wa- with multiple use designations, iteria shall support the most sen- use.

Toxic pollutants. States must re- water quality data and informa- on discharges to identify specific

water bodies where toxic pollutants may be adversely affecting water qual- ity or the attainment of the designated water use or where the levels of toxic pollutants are at a level to warrant concern and must adopt criteria for such toxic pollutants applicable to the water body sufficient to protect the designated use. Where a State adopts narrative criteria for toxic pollutants to protect designated uses, the State must provide information identifying the method by which the State intends to regulate point source discharges of toxic pollutants on water quality lim- ited segments based on such narrative criteria. Such information may be in- cluded as part of the standards or may be included in documents generated by the State in response to the Water Quality Planning and Management Regulations (40 CFR part 35).

(b) Form of criteria: In establishing criteria, States should:

(1) Establish numerical values based on:

- (i) 304(a) Guidance; or
- (ii) 304(a) Guidance modified to re- flect site-specific conditions; or
- (iii) Other scientifically defensible methods;

(2) Establish narrative criteria or cri- teria based upon biomonitoring meth- ods where numerical criteria cannot be established or to supplement numerical criteria.

§ 131.12 Antidegradation policy.

(a) The State shall develop and adopt a statewide antidegradation policy and identify the methods for implementing such policy pursuant to this subpart. The antidegradation policy and imple- mentation methods shall, at a min- imum, be consistent with the fol- lowing:

(1) Existing instream water uses and the level of water quality necessary to protect the existing uses shall be main- tained and protected.

(2) Where the quality of the waters exceed levels necessary to support propagation of fish, shellfish, and wild- life and recreation in and on the water, that quality shall be maintained and protected unless the State finds, after full satisfaction of the intergovern- mental coordination and public partici- pation provisions of the State's con-

tinuing planning process, that allowing lower water quality is necessary to ac- commodate important economic or so- cial development in the area in which the waters are located. In allowing such degradation or lower water qual- ity, the State shall assure water qual- ity adequate to protect existing uses fully. Further, the State shall assure that there shall be achieved the high- est statutory and regulatory require- ments for all new and existing point sources and all cost-effective and rea- sonable best management practices for nonpoint source control.

(3) Where high quality waters con- stitute an outstanding National re- source, such as waters of National and State parks and wildlife refuges and waters of exceptional recreational or ecological significance, that water quality shall be maintained and pro- tected.

(4) In those cases where potential water quality impairment associated with a thermal discharge is involved, the antidegradation policy and imple- menting method shall be consistent with section 316 of the Act.

§ 131.13 General policies.

States may, at their discretion, in- clude in their State standards, policies generally affecting their application and implementation, such as mixing zones, low flows and variances. Such policies are subject to EPA review and approval.

Subpart C—Procedures for Review and Revision of Water Quality Standards

§ 131.20 State review and revision of water quality standards.

(a) *State review.* The State shall from time to time, but at least once every three years, hold public hearings for the purpose of reviewing applicable water quality standards and, as appro- priate, modifying and adopting stand- ards. Any water body segment with water quality standards that do not in- clude the uses specified in section 101(a)(2) of the Act shall be re-exam- ined every three years to determine if any new information has become avail- able. If such new information indicates that the uses specified in section