Environmental Protection Agency

§ 131.21 EPA review and approval of water quality standards.

(a) After the State submits its officially adopted revisions, the Regional Administrator shall either:

(1) Notify the State within 60 days that the revisions are approved, or

(2) Notify the State within 90 days that the revisions are disapproved. Such notification of disapproval shall specify the changes needed to assure compliance with the requirements of the Act and this regulation, and shall explain why the State standard is not in compliance with such requirements. Any new or revised State standard must be accompanied by some type of supporting analysis.

(b) The Regional Administrator’s approval or disapproval of a State water quality standard shall be based on the requirements of the Act as described in §§ 131.5 and 131.6, and, with respect to Great Lakes States or Tribes (as defined in 40 CFR 132.2), 40 CFR part 132.

(c) How do I determine which water quality standards are applicable for purposes of the Act? You may determine which water quality standards are applicable water quality standards for purposes of the Act from the following table:

<table>
<thead>
<tr>
<th>If—</th>
<th>Then—</th>
<th>Unless or until—</th>
<th>In which case—</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) A State or authorized Tribe has adopted a water quality standard that is effective under State or Tribal law and has been submitted to EPA before May 30, 2000…</td>
<td>…the State or Tribe’s water quality standard is the applicable water quality standard for purposes of the Act…</td>
<td>…EPA has promulgated a more stringent water quality standard for the State or Tribe that is in effect…</td>
<td>…the EPA-promulgated water quality standard is the applicable water quality standard for purposes of the Act until EPA withdraws the Federal water quality standard.</td>
</tr>
<tr>
<td>(2) A State or authorized Tribe adopts a water quality standard that goes into effect under State or Tribal law on or after May 30, 2000…</td>
<td>…once EPA approves that water quality standard, it becomes the applicable water quality standard for purposes of the Act…</td>
<td>…EPA has promulgated a more stringent water quality standard for the State or Tribe that is in effect…</td>
<td>…the EPA promulgated water quality standard is the applicable water quality standard for purposes of the Act until EPA withdraws the Federal water quality standard.</td>
</tr>
</tbody>
</table>

(d) When do I use the applicable water quality standards identified in paragraph (c) above? Applicable water quality standards for purposes of the Act are the minimum standards which must be used when the CWA and regulations implementing the CWA refer to water quality standards.
§ 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.

§ 131.22 Subpart D—Federally Promulgated Water Quality Standards

§ 131.31 Arizona.

(a) [Reserved]

(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.


§ 131.32 [Reserved]

§ 131.33 Idaho.

(a) Temperature criteria for bull trout.

(1) Except for those streams or portions...