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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Status and Use of Criteria Published in July 1976 in
Quality Criteria for Water

Thomas C. Jorling, Assistant Administrator
for Water and Waste Management (WH/556)

Alan Merson
Regional Administrator, Region VIII

I understand that there may continue to be lingering questions arising from my memorandum of September 14 to you relating to the Agency's position on the use of water quality criteria in the July 1976 EPA book, Quality Criteria for Water (Red Book). The Agency's position is delineated in the memorandum that was sent to all EPA Water Division Directors on January 16, 1978, and the advance notice of proposed rulemaking that was published in the Federal Register on July 10, 1978.

The Agency's current policy on the use of Red Book criteria in water quality standards is stated in the July 10 Federal Register notice (43 FR 29588). "EPA feels that the data base for the Red Book numbers is sufficiently broad for the numbers to have presumptive applicability. EPA's policy is that a State may adopt a numerical concentration level for a Red Book pollutant which is less stringent than the Red Book number, but only if a State provides adequate technical justification for the deviation." (See center column on page 29590.) It seems to me that our position is quite clear in this regard. We consider that the water quality criteria published in July 1976 are the criteria that should be adopted by the States to support designated water uses. If a State adopts a water constituent criterion to support a designated water use that is less stringent than the EPA criterion for such constituent in Quality Criteria for Water, the State must provide adequate technical justification for the less stringent criterion. Failure to do so may be grounds for EPA to propose the appropriate Red Book number for public comment under section 303(c)(4).

In my memorandum of September 14, 1978, I was responding to a specific request about what would constitute an adequate technical justification for an ammonia criterion less stringent than the Red Book criterion. I indicated some of the factors that could be included in a State's justification for a less stringent criterion. I also stated that in view of research now underway on ammonia, the current Red Book criterion for warm water fish would be excepted temporarily from the Agency policy for requiring State justification for a less restrictive number. With this exception, however, it continues to be Agency policy that the Red Book criterion should be applied in support of an appropriate water use designation unless the State demonstrates that another value is adequate to support the designated use in a particular water reach or geographical area.