Templates for Narrative Downstream Protection Criteria in State Water Quality Standards

EPA Publication No. 820-F-14-002

Purpose of the Narrative Templates

- These narrative templates are intended as *suggestions* that states and tribes may use as starting points to customize the downstream protection provisions in their water quality standards.

  - ➢ Downstream protection provisions may be narrative or numeric, and states and tribes have discretion in choosing their preferred approach, based on their individual circumstances.

  - ➢ The EPA encourages early coordination between States and their EPA Regions to ensure the most streamlined process.

Background

- EPA interprets 40 CFR 131.10(b) to require that states and authorized tribes consider and ensure the protection of downstream water quality during the development of designated uses and water quality criteria.

- With respect to adopting criteria to protect downstream waters, adoption of either narrative or numeric criteria addressing protection of downstream water quality standards will be important for demonstrating consistency with 40 CFR 131.10(b).

- States and tribes have discretion in choosing their preferred approach based on their individual circumstances.

Additional Information

- The templates are pre-formatted to qualify as new/revised water quality standards that EPA has the authority and duty to act on[1], and are designed to provide information that will assist implementing programs (e.g., NPDES permits, TMDL development, assessment and listing).

    - For example, they include options for identifying modeling approaches or spatial extent of downstream impacts that will inform permit writers.

    [1] (*see http://water.epa.gov/scitech/swguidance/standards/cwa303faq.cfm*)

Draft Template for DSP Narrative 1

[Insert from pick list A] shall maintain a level of water quality [insert one or more from pick list B] (that) provide(s) for the attainment and maintenance of the water quality standards of (those) downstream [insert from pick list C], including the [insert from pick list C] of another state.

Pick list A
-All waters
-Streams/Rivers
-Lakes
-Class X waters
-Other subset of waters (specify)

Pick list B
-at their pour points to downstream [insert from list C]
-that is demonstrated by water quality modeling to
-that is demonstrated by mass balance to
-other description

Pick list C
-waters
-lakes
-estuaries
-coastal waters
-streams/rivers
-waters protected by more stringent criteria
-class X waters
-other subset of waters (specify)

Draft Template for DSP Narrative 2

[Insert from pick list A] shall maintain such (level of water) quality (at their pour points to downstream [insert from list B]) that the water quality standards of (those) downstream [insert from pick list B], [insert from pick list C]—including the [insert from pick list B] of another state—are attained and maintained.

Pick list A
-All waters
-Streams/Rivers
-Lakes
-Class X waters
-Other subset of waters (specify)

Pick list B
-waters
-lakes
-estuaries
-coastal waters
-waters protected by more stringent criteria
-class X waters
-other subset of waters (specify)

Pick list C
-as demonstrated by water quality modeling
-as demonstrated by mass balance analysis
-as demonstrated by fate and transport analysis
-other description

Draft Template for DSP Narrative 3

[Insert from pick list A] shall not exceed a [insert from pick list B] [insert one or more from pick list C] (that is) necessary to provide for the attainment and maintenance of the water quality standards of those downstream [insert from pick list D], including the [insert from pick list D] of another state.

Pick list A
-All waters
-Streams/Rivers
-Lakes
-Class X waters
-Other subset of waters (specify)

Pick list B
-concentration of pollutants
-concentration of (specify pollutant(s))

Pick list C
-at their pour points to downstream [insert from list D]
-that water quality modeling demonstrates is
-that mass balance analysis demonstrates is
-other description

Pick list D
-waters
-lakes
-estuaries
-coastal waters
-streams/rivers
-waters protected by more stringent criteria
-class X waters
-other subset of waters (specify)

Draft Template for DSP Narrative 4

[Insert from pick list A] shall not exceed a [insert from pick list B] (at their pour points) to downstream [insert from pick list C] [insert from pick list D] (that is) necessary to attain and maintain the water quality standards of those downstream [insert from pick list C], including the [insert from pick list C] of another state.

Pick list A
-All waters
-Streams/Rivers
-Lakes
-Class X waters
-Other subset of waters (specify)

Pick list B
-loading of pollutants
-loading of (specify pollutant(s))

Pick list C
-waters
-lakes
-estuaries
-coastal waters
-streams/rivers
-waters protected by more stringent criteria
-class X waters
-other subset of waters (specify)

Pick list D
-that water quality modeling demonstrates is
-that mass balance analysis demonstrates is
-that analysis of fate and transport demonstrates is
-other description