REVISED AREA AND AGENCY DESIGNATION HANDBOOK

FOR

SECTION 208 AREAWIDE WATER QUALITY MANAGEMENT PLANNING

ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

NOVEMBER 1975

TD
223
.R48
1975

TD223 .R48 1975

REVISED AREA AND AGENCY DESIGNATION HANDBOOK

FOR

SECTION 208 AREAWIDE WATER QUALITY MANAGEMENT PLANNING

ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

NOVEMBER 1975

US Department of Commerce
NOAA Coastal Services Center Library
2234 South Hobson Avenue
Charleston, SC 29405-2413

PREFACE

This handbook is a revised edition of the Area and Agency Designation Handbook. It is part of a series of handbooks designed to provide State and local agencies with additional assistance in the Section 208 Areawide Waste Treatment Management planning and implementation program. Other available handbooks address 208 work plans, cost analysis, interim outputs and management agencies.

These handbooks are intended for use as a supplement to the 208 Regulations, Guidelines, and EPA Polciy Statements published as program guidance (AM memoranda) by the Water Planning Division. The handbooks repeat or reference the regulations, guidelines and policies, and provide realistic examples of typical local agency responses.

This handbook discusses the qualifications and procedure for designating an area and agency for conducting areawide waste treatment management planning. Under the new regulations outlined in 40 CFR, Part 130, all States are required to reopen their designation process. This requirement may be waived, however, if the Regional Administrator determines that the initial designation process resulted in the designation of all eligible areas and agencies within the State. New designations that do result will now follow the revised criteria and procedure presented herein.

Among the EPA documents which provide information relevant to the designation process are:

- 40 CFR, Part 130, Policies and Procedures for Continuing Planning Process; Part 130.13, Designation of Areawide Planning Areas and Agencies is included in the Appendix.
- Guidelines for Areawide Waste Treatment Management Planning (August, 1975).

This handbook was prepared under Contract No. 68-01-3195 by Centaur Management Consultants, Inc., with the direction and support of James W. Meek and the Areawide Management Branch.

Mark A. Pisano
Director, Water Planning Division
Washington, D.C.

TABLE OF CONTENTS

		PAGE
	PREFACE	i
	INTRODUCTION	iv
	DESIGNATION PROCESS CHART	v
I.	BOUNDARY OF DESIGNATED AREAWIDE PLANNING AREA	2
	A. Relationship to SMSA(s) B. Assurance of No Excluded Areas C. Allowance for Growth of Area D. Assurance of No Unnecessary Geographic Extent E. Relationship to Other Types of Areawide Planning and Data	
II.	POPULATION OF AREA	4
	A. Urban Concentration B. Urban Growth	
III.	INDUSTRIAL ACTIVITY IN AREA	6
	A. Diversity of Installations B. Concentration of Installations C. Amenability to Municipal Waste Treatment D. Trends in Industrial/Economic Growth	
IV.	WATER QUALITY FACTORS IN THE AREA	8
	A. Water Quality Limited Segments (or substantial groundwater pollution) B. Preservation and Protection of Water Quality 1. Unique Resource Impaired by Growth 2. Amount of Resource Impaired by Growth 3. Complex Institutional Setting 4. Complex Sources of Pollution 5. State Preservation and Protection Statement 6. State Water Quality Preservation Parameters C. Municipal Waste Management by Two or More Local Governments D. Substantial Industrial Pollution Problems E. Population Growth Above National Average or Large Seasonal Variations F. Substantial Urban Storm Drainage G. Substantial Nonpoint Source Pollution H. Groundwater Pollution 1. Impaired Groundwater is Major Source of Water 2. Groundwater Pollution Contributes to Surface Water Problem 3. Complex Groundwater Problem 4. Remedial Groundwater Action is Possible Within Area 5. State and Area have Groundwater Goal	

TABLE OF CONTENTS (continued)

		PAGE
V.	LOCAL GOVERNMENT INTENT	20
	A. Charter of Existing Waste Treatment Management Agency B. Resolutions for Areawide Planning and Implementation C. Statement of Authority	
VI.	PUBLIC PARTICIPATION	24
	A. Meeting Notices B. Summary of Comments	
VII.	DESIGNATED PLANNING AGENCY	26
	A. Name B. Address C. Official Contact	
VIII.	FACTORS FOR AGENCY DESIGNATION	26
	A. Membership B. Planning Jurisdiction C. Procedures for Plan Adoption and Resolution of Issues D. Start-up Ability E. Plan Completion Capacity F. Relationship with Other Planning Agencies G. Relationship with Management and Regulatory Agencies H. Existing Agency History, Expertise, and Resources	

APPENDIX A — 1972 Federal Water Pollution Control Act Amendments (P.L. 92-500) Areawide Waste Treatment Management, Section 208

APPENDIX B — 40 CFR Part 130.13 Designation of Areawide Planning Areas and Agencies.

INTRODUCTION

Section 208 of the Federal Water Pollution Control Act Amendments of 1972 provides a unique opportunity to plan and manage comprehensive, areawide pollution control programs for municipal and industrial wastewater, storm and combined sewer runoff, nonpoint source pollutants, and land use as it relates to water quality. Through 208 planning programs, cost-effective and institutionally feasible plans can be selected to meet the 1983 goals of the Act.

This handbook discusses the procedure and criteria for designation of eligible areas and agencies to conduct 208 areawide planning. It has been revised to comply with new EPA Regulations outlined in 40 CFR, Subpart A. These regulations mark the reopening of the designation process in all States except where otherwise waived by the Regional Administrator. Such cases may arise where all eligible areas and agencies have been designated in previous years.

Areas eligible for 208 designation must have substantial water quality control problems. These exist when water quality has been or may be degraded to the extent that existing or desired designated water uses are impaired or precluded <u>and</u> when the water quality control problem is complex. Preference is still given to areas with urban-industrial concentrations.

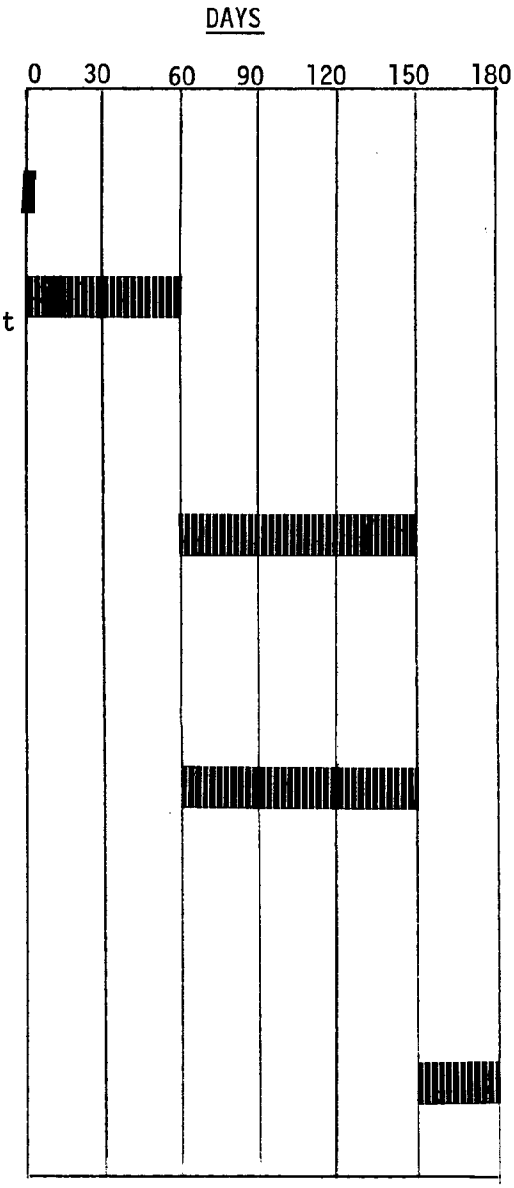
The procedure for designation is presented in chart form on the opposite page. The Governor is to make the final decision on designation, subject to EPA approval. However, chief elected officials of local units of government are given the opportunity to fully participate in the Governor's decision.

This handbook is designed to help determine the qualifications of areas and agencies and prepare the support information which must be submitted to EPA. Through its examples, this handbook encourages brief and succint inputs for the designation process.

The format of the handbook follows the intentions of the Act by presenting information on 1) urban-industrial developments and trends, 2) substantial water quality factors, 3) local government intent, 4) public participation, and 5) factors in agency designation. This format can also be applied to non-urban intensive problem areas that warrant areawide planning and management. These include areas with high quality waters threatened by growth and development. In addition to providing a format for the necessary designation information, this handbook also emphasizes the technical and institutional commitments that are being made by the area and agency designation request. This information is important but it is only the beginning of the entire 208 planning and management process.

In each section of the handbook, a portion of the outline is repeated and set off by shading. This is followed by additional explanations of the criteria as defined in the regulations and an example of the area or agency designation information pertaining to that portion of the outline. Tables and Attachments referred to in the examples are not included in the handbook.

DESIGNATION PROCESS



- Regulations become effective
- Governor communicates with chief elected officials of general purpose units of government in areas not previously designated
- Governor identifies areas and agencies which he intends to designate and requests their comments and recommendations
- In areas where the chief elected officials feel that the Governor acted in appropriately in his determination or eligible areas and agencies, the officials may petition the Governor for reconsideration
- After consideration of recommendations from Local Officials, the Governor shall:
  - Hold public meetings or hearings in areas he intends to designate
  - Hold public meetings or hearings in areas he does not intend to designate
  - Submits his final designations to the Regional Administrator
- Governor submits documentation for designation (pursuant to 40 CFR 130.13(c)(1)) to the Regional Administrator

---

* The designation process may be waived by the Regional Administrator where he determines that all eligible areas and agencies were designated in previous years.

N O T E

This document is not a replacement to the Act, the Regulations or official EPA Policy Statements. It is a supplement to these documents showing hypothetical examples of the designation process. Any clarification of program requirements should be discussed with the EPA Regional 208 Coordinator.

I. BOUNDARY OF DESIGNATED AREAWIDE PLANNING AREA

A. Relationship to SMSA(s)
B. Assurance of No Excluded Areas
C. Allowance for Growth of Area
D. Assurance of No Unnecessary Geographic Extent
E. Relationship to Other Types of Areawide Planning and Data

The area to be designated must be identified on a map. The map must show boundaries of the area and of SMSA(s) either included, partially included, or contiguous to the proposed 208 area. If no SMSA is involved in the area designation, then the map or accompanying text should indicate the area's relationship to any nearby SMSA(s). The designation of an area should take into consideration the growth pattern of nearby SMSA(s) where applicable.

The map of the area must clearly show that no portion within the area to be designated has been excluded from the geographic scope of the areawide plan or the jurisdiction of the planning agency.

The text accompanying the map should indicate that the selected boundaries account for reasonable urban-industrial growth and/or other factors that may affect waste treatment management. The text should also indicate that the extent of the area is not (a) too small to encompass the problems and the control that will be necessary to accomplish the integrated waste treatment or (b) not too large to cause unnecessary difficulty and cost in planning and implementation.

Where possible, the text and/or the map should refer to other planning boundaries such as in Air Quality Maintenance Areas (AQMA), existing and on-going facilities plans, Corps of Engineers Urban Studies, solid waste planning boundaries, transportation plans or HUD 701 plans and their relationships to the proposed 208 area designation.

EXAMPLE

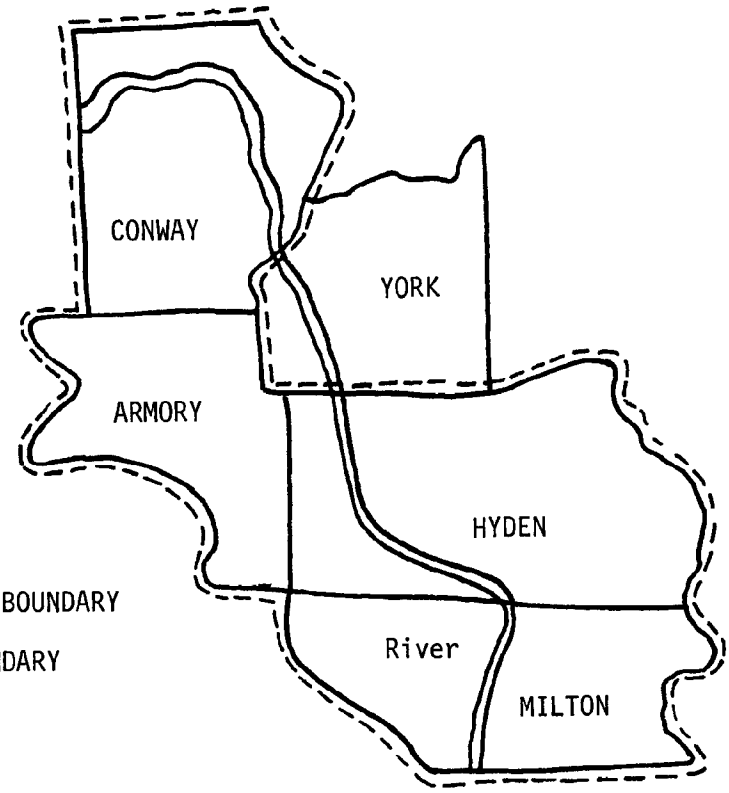
BOUNDARY OF THE AREA

The map shows the area for which designation is requested. The proposed area is the County planning area (as created by the 1973 State legislature). It contains 2, 115 square miles and the entire present urban area as well as the anticipated urban area by the year 2000.

The map shows the relationship of the 208 area to the SMSA. The SMSA contains Conway, Amory, Hyden, and Milton Counties. Because of the river's importance in the integration of waste treatment management systems, York County is included in the designation area.

No portion of the designation area has been excluded from the waste treatment management planning consideration covered in the following sections.

The area encompasses the boudary of the AQMA (Amory, Hyden and Milton Counties) as well as the HUD 701 comprehensive planning area of the SMSA.



_____208 AREA BOUNDARY

---------SMSA BOUNDARY

II. POPULATION OF AREA

A. Urban Concentration
B. Urban Growth

Preference will be given by EPA in approving area designations of urban-industrial concentrations. The population characteristics of an area, along with the industrial activity in Section III, should serve as the basis for establishing the area's urban-industrial concentration.

Area designations should also be claimed on grounds of water quality factors in conjunction with urban-industrial concentration. Population characteristics should then be used to support the factors in Section IV such as above national average growth trends, extreme seasonal variations and/or the size of the population dependent on groundwater.

Population growth projections for SMSA(s) and water resource areas can be obtained from the 1972 OBERS "Series E" Projections available at all EPA Regional Offices. These projections should be used in lieu of locally developed growth projections. For non-SMSA(s), the OBERS projections should be used as approximations for the area.

The population figures in this section and the industrial activity in Section III are merely to characterize the area. The impact on water quality resulting from population or industrial concentrations are discussed in Section IV.

EXAMPLE

POPULATION

The Study Area includes the entire SMSA with a population of 600,588.

The Study Area comprises approximately 1400 square miles and has a density of 384 people per square mile. In the Study Area, 453,488 people lived in urban areas in 1970. Since 1970, as noted above, several cities have annexed (i.e. Andows) or incorporated (Mt. Palmer) which has increased the proportion of residents in urban places. High density urban development, five or more structures per acre, occupies 152 square miles or 10.9 percent of the total 208 planning area. Low density urban development, two to five structures per acre, occupies 50 square miles or 3.6% of the total planning area.

The planning area is expected to urbanize at a rate of 2635 acres per year over the next forty years.

The Study Area has shown a 1.75% annual growth rate, and is expected to continue at this rate over the next five years.

Population Projections: (1970-1990) by County

County	1970	1980	1990	1970 Population Per Square Mile	1970 Population % Urban
Cruger	447,877	501,300	601,700	881.6	97.4
Morehead	59,428	70,500	92,100	97.1	58.7
Glennville	56,284	72,500	90,000	105.4	50.3
Avalon	36,999	47,600	60,300	65.3	33.8
State	3,924,164	4,456,200	5,196,000	94.9	58.7
United States	203,235,298	232,966,000	268,883,000	57.5	73.5
208 Area Counties	600,000	691,000	844,100	384	75.5

Source: 1972 "Series E" OBERS Population Projections

III. INDUSTRIAL ACTIVITY IN AREA

A. Diversity of Installations
B. Concentration of Installations
C. Amenability to Municipal Waste Treatment
D. Trends in Industrial/Economic Growth

Preference will be given by EPA in approving area designations of urban-industrial concentrations. The characteristics of industrial activity, along with the population characteristics in Section II, should serve as the basis for establishing the area's urban-industrial concentration. The present and anticipated industrial activity in the area as well as its relationship to municipal waste treatment should be shown.

If industrial wastes account for water quality problems in Section IV, then the industrial activity characteristics should be in agreement with the information provided in that section.

If the area designated is claimed on the basis of preservation of high quality waters and industrial pollution is no foreseeable threat, then the material in this section can be omitted.

EXAMPLE

INDUSTRIAL ACTIVITY

Primary metal and transportation remained the most important manufacturing industries. However, substantial expansion began in certain durable goods industries in the middle and late 1950's. Particularly the manufacture of glass, rubber, electrical machinery, fabricated metals and chemicals increased and is now a significant factor in the local economy.

It is anticipated that the Metropolitan Region will continue to experience a health rate of economic expansion through the mid-1980's. Most of the area's future growth will probably be concentrated in services, trade, government, and manufacturing. The expected employment increases in these first three industries are in line with projections for the national economy. The manufacturing sector is projected to continue expanding rapidly in the area because of its present productivity advantage, a strong locational position due to the increased use of motor transportation, and the presence of a solid trade and service base.

It is expected that the future economic growth in the four outlying counties will exceed that of the urban center. In 1960, Aynor County employment accounted for over 76 percent of the regional total. It is projected that by 1985 this share will have fallen to about 71.5 percent. In short, although Aynor County will continue to function as the nucleus of the regional economy, some decentralization of economic activity is foreseen in the years ahead.

1970 DISTRIBUTION OF INDUSTRIAL ACTIVITY AND VALUE ADDED FOR SMSA

SIC CODE	MANUFACTURING ACTIVITY	TOTAL EMPLOYEES	% BY SIC CLASSIFICATION	TOTAL NUMBER OF ESTABLISHMENTS	VALUE ADDED BY MANUFACTURERS (IN MILLIONS)
20	Food & Kindred	2,224	2.73	33	$ 23.3
25	Furniture & Fixtures	2,437	2.99	17	NA
26	Paper & Allied	481	.59	4	5.3
27	Printing & Publishing	1,065	1.30	61	15.9
30	Rubber & Plastic	2,095	2.57	26	22.1
32	Stone, Clay & Glass	2,855	3.51	46	24.9
33	Primary Metals	29,234	35.94	50	499.1
34	Fabricated Metals	8,265	10.16	127	107.6
35	Machinery (except electrical)	6,758	8.30	81	86.9
36	Electrical Equipment	12,875	15.83	21	70.8
37	Transportation Equip.	11,362	13.97	18	347.6
39	Misc. Manufacturing	1,583	1.84	73	NA
TOTALS		81,325	99.91	576	1,260.5

SOURCE: State Directory of Manufacturers, U.S. Census of Manufacturers.

IV. WATER QUALITY FACTORS IN THE AREA

In order to qualify for designation, an area must demonstrate that it has a "complex problem" which both impairs desired uses and constitutes a complex control problem. A variety of factors determine whether these conditions exist. The accompanying chart illustrates these factors in outline by grouping the criteria into a logical screening test for water quality problems. Both subsets must be represented in order to qualify. In those cases where the Governor has elected to preempt 208 planning, the area cannot claim those problems as factors for designation.

Impairment or preclusion of desired uses is defined by EPA as either (i) water courses with substantial water quality limited segments (or substantial groundwater pollution) or (ii) an area with a stated objective for preservation and protection of existing water quality. The latter definition has several other factors which are shown in the accompanying chart and discussed under Section IV B.

The complexity of the water quality control program is defined by EPA as any three (or more) of the conditions cited on the chart. One of those conditions might be the existence of a groundwater pollution problem which is defined by additional conditions.

Each of the factors listed is discussed with examples in the following subsections of Section IV. In each of these subsections, that portion of the outline pertaining to the discussion is repeated as a continuation of Section IV.

WATER QUALITY FACTORS

IMPAIRMENT OR PRECLUSION OF DESIRED USES

SUBSTANTIAL WATER QUALITY LIMITED SEGMENTS (OR SUBSTANTIAL GROUNDWATER POLLUTION)

OR

PRESERVATION OF SURFACE AND/OR GROUNDWATER QUALITY...

- UNIQUE RESOURCE IMPAIRED BY GROWTH
- OR - AMOUNT OF RESOURCE IMPAIRED BY GROWTH

AND

- COMPLEX INSTITUTIONAL SETTING
- OR - COMPLEX SOURCES OF POLLUTION

AND

- STATE NON-DEGRADATION STATEMENT
- OR - STATE WATER QUALITY PRESERVATION PARAMETERS

AND COMPLEXITY OF WATER QUALITY CONTROL PROGRAM

3 or more

MUNICIPAL WASTE MANAGEMENT BY TWO OR MORE GOVERNMENTS

SUBSTANTIAL INDUSTRIAL POLLUTION PROBLEM

POPULATION GROWTH ABOVE NATIONAL AVERAGE - OR LARGE SEASONAL VARIATION

SUBSTANTIAL URBAN STORM DRAINAGE

SUBSTANTIAL NON-POINT SOURCE POLLUTION

GROUNDWATER POLLUTION...

- IMPAIRED GROUNDWATER IS A MAJOR SOURCE OF WATER
- OR - GROUNDWATER POLLUTION CONTRIBUTES TO SURFACE WATER PROBLEM

AND

- COMPLEX GROUNDWATER PROBLEM

AND

- REMEDIAL CONTROL ACTION IS POSSIBLE WITHIN AREA

AND

- STATE AND AREA HAVE GROUNDWATER GOAL

IV. WATER QUALITY FACTORS IN THE AREA

A. Water Quality Limited Segments (or substantial groundwater pollution)

Stream segments which are in violation of water quality standards, and which would not meet water quality standards with the application of the best practical treatment to point sources, are classified as water quality limited. To qualify for area designation on the basis of water quality limited segments, an analysis should be provided that a substantial portion of the receiving waters are classified as water quality limited. This information should be based on the river basin plans prepared by the states in accordance with Section 303(e).

If water quality limited segments are used as a water quality factor, then it must also be shown that the water quality limited segments exist as a result of a complex problem (e.g., a single large discharge on a small stream might qualify the receiving waters as a water quality segment) yet the solution is relatively simple and does not need sophisticated planning.

In the special case where substantial water quality degradation occurs in the area's groundwaters rather than surface waters, the claim for impairment of desired uses should be based on the extent of groundwater pollution. This claim should substantiate the severity of the pollution problem and the current or projected uses of the groundwater.

EXAMPLE

WATER QUALITY LIMITED SEGMENTS

The state has analyzed water quality in major streams throughout the area proposed for 208 designation in preparation of their (preliminary) 303(E) River Basin Plan for the Wilson River. In addition, a Water Quality Report containing a more detailed examination of the existing water quality throughout Pane County was published by the Council of Governments in January 1974. Based upon these analyses, the status of water quality for the important streams in the area proposed for 208 designation is summarized in Table A and a stream classification and priority ranking is contained.

TABLE A -- STREAM CLASSIFICATION

Priority Ranking	Stream Segment	Stream Classification	Classification Basis
1	George River RM 0 to 20.7	Water Quality Limited, Coliform, Temperature	Specific water quality problem. Meet standards for coliform and temperature.
2	Mainstream Wilson RM 167.5 to 187	Water Quality Limited, Coliform, Temperature.	Specific water quality problem. Meet standards for coliform and temperature.
3	Coast Fork Wilson RM 0 to 29.7	Water Quality Limited Temperature.	Specific water quality problem. Meet standard for temperature.
4	Middle Fork Wilson All	Water Quality Limited, Nondegradation.	Maintain nondegradation of coliform, temperature and dissolved oxygen at present levels.

All streams are classified as Water Quality Limiting because of specific water quality problems. Where serious water quality problems are known to exist as a result of point source discharges, biochemical oxygen demand (BOD) and suspended solids load allocations have been imposed to improve water quality through point source control. Where the existing water quality is good, waste load allocations are based upon preventing degradation. In these cases the actual in-stream quality is used as the basis for nondegradation. In addition, stringent effluent limits have been established for all municipal discharges.

IV. WATER QUALITY FACTORS (continued)

B. Preservation and Protection of Water Quality

1. Unique Resource Impaired by Growth
2. Amount of Resource Impaired by Growth
3. Complex Institutional Setting
4. Complex Sources of Pollution
5. State Preservation and Protection Statement
6. State Water Quality Preservation Parameters

To qualify for area designation based on preservation and protection of high quality waters, three groups of conditions should be met:

- The water resources which would be impaired are so unique that it would be in the national interest to preserve them; or the amount of water resources which would be impaired are so great that it is in the national interest to prevent impairment or degradation.

- The institutional setting of the area is so complex that an areawide approach is needed to coordinate the efforts in the area; or the sources of pollution are so complex that only an areawide approach can effectively consider the demands of water quality.

- The State has made an explicit statement adopting preservation and protection of water quality as a policy for the area; or the State has implicitly adopted preservation and protection as a policy for the area by establishing water quality parameters which are at the preservation level.

EXAMPLE

PRESERVATION AND PROTECTION OF WATER QUALITY

The area's tidewaters present a unique natural resource for the benefit of the nation. The tidewaters are the habitat and spawning grounds for many species. A discussion of the tidewater wildlife as well as the commercial implications of the shellfish industry are presented in a recent State Tidewater Management Plan. Continued urban-industrial growth in the area presents a real threat to this resource. The Tidewater Management Plan indicated the complexity of the area's problems, including regional location amidst megalopolis, one of the highest growth rates in the nation, primarily non-point source pollution problems. The 208 process clearly offers the potential of a unified effort to preserve the area's waters from any further degradation, plus initiate the process of correcting the problems within the water quality segment of the Monroe River.

The 208 process allows for an effective areawide effort to preserve the area's waters from further degradation in accordance with Section 62.1-44.4 Control by State as to Water Quality of the State Water Control Law which states:

(1) No right to continue existing quality degradation in any State water shall exist nor shall such right be or be deemed to have been acquired by virtue of past or future discharge of sewage, industrial waste or other wastes or other action by any owner. The right and control of the State in and over all State waters is hereby expressly reserved and reaffirmed.

(2) Waters whose existing quality is better than the established standards as of the date of which such standards become effective will be maintained at high quality; provided that the Board has the power to authorize any project or development, which would constitute a new or increased discharge or effluent to high quality water, when it has been affirmatively demonstrated that a change is justifiable to provide necessary economic or social development; and provided, further, that the necessary degree of waste treatment to maintain high water quality will be required where physically and economically feasible. Present and anticipated use of such waters will be preserved and protected.

IV. WATER QUALITY FACTORS IN THE AREA (continued)

C. Municipal Waste Management by Two or More Local Governments
D. Substantial Industrial Pollution Problems
E. Population Growth Above National Average or Large Seasonal Variations
F. Substantial Urban Storm Drainage
G. Substantial Non-Point Source Pollution
H. Groundwater Pollution (covered in a separate section)

To qualify for area designation, the water quality problems must be of a complex nature. Any three or more of the following six conditions will attest to the complexity of the problem:

- For municipalities that discharge their waste within the area's waters, there are two or more general or special purpose governments whose wastes combine to influence the receiving waters.

- Current and projected growth for industries that discharge their waste into the area's waters present a substantial pollution problem even after the application of effluent limitations.

- The growth rate for the entire area is above that of the national average and results in a high population density throughout the area, or the area experiences large seasonal population influx and probable population density which would create major environmental problems.

- The urban runoff problem severely impacts water quality. Such runoff would have to be substantially controlled, or in the absence of such control, municipal and industrial waste water would have to be treated to extremely high levels.

- Non-point sources of pollution contribute a substantial part of the area's water quality problem.

EXAMPLE

MUNICIPAL WASTE

Several municipal treatment facilities are located in the County, and most of the effluent from these facilities is discharged to a large body of water -- the Ashford River. The Humboldt Municipal Treatment Plant which services 95% of the population of the County is currently upgrading and expanding its facilities. Only one-fifth of existing flow receives secondary treatment. Providing treatment during high intensity storms is difficult because of Humboldt's combined sewer system. The Louisa City Treatment Plant is presently inadequate in degree of treatment and capacity. The Jackson Treatment facility with inadequate phosphate removal is probably causing a nutrient problem in Spruce Lake.

A severe waste water problem facing the municipal systems is excessive infiltration of storm water. In certain areas of the County, manholes overflow sanitary sewage during moderate and intense storms. Large sources of extraneous water centers around the manhole frame and cover and inflow into defective joints in the system.

Degradation of stream quality also occurs due to the failure of small "package" plant operators to achieve and maintain required effluent chlorine residual. Several of these privately owned facilities, generally operated by a school system, country club or mobile home park, are located throughout the County.

INDUSTRIAL WASTE

The current industrial waste load allocation total for the area proposed for 208 designation is about 16,112 pounds of BOD and 15,112 pounds of suspended solids per day. By 1983, the recommended waste load allocation is reduced to about 7,767 pounds of BOD and 7,767 pounds of suspended solids per day for a decrease of approximately 52% in BOD and approximately 51% in suspended solids discharged. To meet this requirement, advanced waste treatment will be necessary for all point source discharges. The 303(E) River Basin Plan projects that the raw waste load from point sources within the area proposed for 208 designation will increase approximately 50% by 1990.

Since the load allocation and treatment requirements are established at finite levels, while the projected raw BOD and suspended solids loads will increase with population and economic growth, the stipulated load allocations will almost certainly be exceeded unless the growth is regulated in a more systematic fashion in the future. A significant portion of a 208 areawide study would be devoted to devising alternative strategies for meeting the point source load allocations. Factors to be studied would include the required configuration of waste treatment facilities, land disposal and other alternatives to surface discharge for both domestic and industrial wastes, and land use controls related to protection or improvement of water quality.

continued...

POPULATION GROWTH

As indicated in Sections II and III the rate of economic and population growth within the area proposed for 208 designation is expected to be rapid over the next 25 years. The population within the proposed designation area is projected to increase from 205,422 in 1970 to 349,600 by 2000; this is equivalent to a 70% increase over the 30 year period, or a 2.1% increase per year. Economic growth is expected to be similarly rapid with employment totals increasing from approximately 80,325 in 1970 to 155,406 by the year 2000. This represents an increase of 93.5% in total employment, or 31.2% by decade. These rates of growth represent a continuation of historic trends, a substantial in-migration of population, and continued development of the area's economic base. These rates are well above the national average.

The implication of this growth to water quality is profound, and necessitates a more sophisticated approach to sewerage planning than is possible by facilities plans according to Section 201. Even with the use of advanced waste treatment technologies, it is likely that the projected growth may force water quality violations if it is not controlled in a more appropriate manner in the future than it has been in the past.

The magnitude of both point and diffuse pollution sources is expected to increase proportionately with increases in population, economic activity, and agricultural activity in the future. Specifically, the total raw waste load production is expected to increase significantly due primarily to increases in domestic wastes, food processing wastes, pulp and paper wastes, urban storm runoff, and agricultural land runoff.

continued...

EXAMPLE

URBAN STORM DRAINAGE

The State 303(E) River Basin Plan also projects the waste loads due to urban storm runoff, and they are summarized in Table I. The figures are based upon a 39-minute rainfall with an intensity of 0.8 inches per hour since this is most likely to occur during low stream flows, thus putting an instantaneous, heavy waste load on the receiving streams. During a low flow design storm, the BOD waste load attributed to urban storm runoff within the area proposed for 208 designation is equivalent to 398.5% of the total daily waste load allocation for municipal and industrial point sources in 1972. In 1990, the BOD waste load projected for urban storm runoff will be 1140.7% of the rural daily waste load allocation for municipal and industrial point sources. It is apparent that urban storm runoff can contribute a substantial load of pollutants to area streams, and a portion of the 208 areawide study would be devoted to study of this problem and development of strategies to control it.

NONPOINT SOURCES

Although the State 303(E) River Basin Plan provides waste load allocations and municipal waste discharge limits to control only point source discharges, it also stipulates that "the waste load from dispersed sources is considerable, and it is evident that only through a prudent water management program of action to control both point and dispersed sources, can the damaging effect of water pollution be avoided." The 303(E) River Basin Plan includes estimates of waste loads for such dispersed sources of pollution as agricultural land runoff, forest land wastes, and stream bank erosion, and Tables F, G, and H respectively summarize the waste loads attributed to these sources. In addition, the 303(E) River Basin Plan indicates that agricultural land runoff contains a raw waste load of 120,000 pounds of BOD per day in 1972, which is fully 72.8% of the total point source raw waste load. In 1990, the Plan projects that agricultural land runoff will account for a raw waste load of 200,000 pounds of BOD per day, which is 80.7% of the total point source raw waste load. The implication of the increase in agricultural land runoff waste load from 120,000 pounds of BOD per day in 1972 to 200,000 pounds of BOD per day in 1990 on the State water quality program is great. If it is assumed that nonpoint source waste production will remain untreated and will not be controlled in the future, then nondegradation or improvement of area streams cannot be achieved. A portion of the 208 areawide study would be devoted to developing effective land use and other controls to ensure that diffuse sources of pollution are controlled and the waste loads from these sources are decreased.

IV. WATER QUALITY FACTORS IN THE AREA (continued)

H. Ground Water Pollution

1. Impaired Groundwater is Major Source of Water
2. Groundwater Pollution Contributes to Surface Water Problem
3. Complex Groundwater Problem
4. Remedial Groundwater Action is Possible Within Area
5. State and Area Have Groundwater Goal

To qualify for area designation based on groundwater pollution, four condition should be met:

- Either the quality of the major source* of water supply for the area is degraded to the extent that its use has been impaired or precluded; or the groundwater pollution can be shown to contribute substantially to a surface water quality problem.

- The nature of the problem is complex due to a multiplicity of type, number, size, and extent of sources or unique physiography of the area. Such a problem would preclude conventional solutions and would not be amenable through normal regulatory control.

- Effective remedial action for the groundwater problem can be taken within the limits of the designated area.

- The area, with State concurrence, has defined groundwater quality objectives.

---

* Should the major source be a deeper aquifer sealed by an impervious layer from groundwater percolation within the area, pollution of the surface exposed aquifer would not constitute a substantial groundwater problem.

EXAMPLE

GROUNDWATER POLLUTION

Shallow groundwater aquifers have been used for years as a significant water source for area residents. However, withdrawals in recent years have exceeded recharge, and water tables have been lowered. Urban growth and development has created groundwater contamination resulting from inadequately treated and untreated sewage discharges, and from landfill operations in flood plains. A substantial number of wells are too polluted for continued use.

The deep Clifton Forge aquifer underlies the area adjacent to the Union Range at a depth of approximately 2000 feet below ground surface, and has been a source for water for many years. The State Engineer's office was recently given the authority to regulate withdrawals from deep aquifers and studies are necessary to analyze this resource in terms of depletion rates and pollution potential.

Groundwater is a large part of the area's potable water supply. It is known that some wells in different parts of the region are no longer in use because of pollution from some source. Sewage treatment plant discharges, trash dumps, and industrial discharges are accused, but not well documented as causes.

In view of its present role in the area's water supply, groundwater sources -- alluvial and deep aquifer -- should be adequately protected because the Region is in a semi-arid area with an average annual rainfall of only 14 inches. Thus, any local source of water is a valuable one, as diversions from the Sumter River Basin are increasingly controversial and expensive.

A U.S. Geological Survey analysis showed that 126,980 acre feet of groundwater was used annually by area water agencies in the 1959-1964 period. This amounted to approximately 25% to 32% of the total requirement. The same study projected that approximately 362,000 acre feet would top out the annual usage about 1990; its quality must be protected.

In the area, ground and surface waters are closely interrelated hydrologically. Pumping of shallow alluvial wells could seriously diminish stream flows, which are naturally low at all times. Many small streams and gulches have flows only in snow or rain runoff situations.

The RCOG, in conjunction with the State Water Resources Board, has determined that areawide control of point and nonpoint sources of groundwater pollution will contribute substantially to meeting the groundwater quality objectives of the area. (Editor's Note: Where possible the groundwater objectives should be stated such as the protection of existing groundwater uses.)

V. LOCAL GOVERNMENT INTENT

A. Charter of Existing Waste Treatment Management Agency

OR

B. Resolutions for Areawide Planning and Implementation

Eventual implementation of the plan depends upon the consent and cooperation of the general purpose units of local government in the designated area. It is important for the local elected officials to indicate at the outset that they will join together to develop and implement a plan which will result in a coordinated waste treatment system for the area. This can be done by submitting;

A. Charter of Existing Waste Treatment Management Agency
If the affected general purpose units of government already have in operation a coordinated waste management system, that agency's charter should be submitted.

OR B. Resolution for Areawide Planning and Management
If a coordinated management system is not already established, local units of government must demonstrate their intent to support and cooperate in planning and implementation of the areawide 208 plan. They must also state that all grant proposals for publicly owned treatment facilities will be consistent with the approved plan and will be made only by the designated management agency.

It is sufficient to submit a list of such resolutions if they comply substantially with the following example. If there are substantial changes in the resolutions, then those changes must be submitted. The actual resolutions must be available to the Administrator, EPA, upon request.

Resolutions need not be required from all local government units, but should be obtained from those major units that are critical to the eventual implementation of an areawide plan. If the attempt to obtain a resolution is not successful, the Governor must stipulate that the State will assure compliance with the planning and management process requirements of Section 208 of the Act.

EXAMPLE

CHARTER AND AGREEMENT
MID WILLAMETTE VALLEY COUNCIL
OF GOVERNMENTS

This Charter and agreement is made and entered into this 10th day of August 1971, by and between the undersigned governmental bodies.

I CITATION

The Mid Willamette Valley of Oregon is faced with numerous problems resulting from rapid urbanization, problems of health, education, safety, economics, transportation, recreation, culture, multiplicity of governments, coordination of people services, environmental quality, community appearance and well being which will increase in complexity and intensity as the population increases. In order that the solution of these problems may be prepared or planned through a rational democratic process, it is fitting that the affected governmental units join together in voluntary cooperation, and for this purpose they do make this Charter and Agreement.

II AUTHORITY

This Charter and Agreement is established under the authority of the following Oregon Statutes:

ORS 190.010 which authorizes local governments to make agreements for the performance of functions jointly or for one another.

ORS 190.030 which provides that any agency established under the authority of ORS 190.010 is vested with all powers, rights, duties, and functions therefore existing by law in separate agencies, pertaining to functions and activities.

ORS 190.110 which authorizes public corporations, political subdivisions, and state agencies to cooperate.

ORS 190.210 and ORS 190.220 which assigns to the executive department of the State of Oregon the responsibility and authority for maintaining liaison with local governmental agencies which provide services to state agencies and for participation in the development and coordination of plans for activities and services which are supported or utilized by state agencies and which are formulated by tax supported governmental agencies.

III DEFINITIONS

1. "Charter and Agreement" shall mean the Charter and Agreement of the Mid Willamette Valley Council of Governments by which this document is titled.

2. "Council or "Council of Governments" shall mean the Mid Willamette Valley Council of Governments established by this Charter and Agreement.

EXAMPLE

RESOLUTION INDICATING INTENT TO JOIN WITH OTHER GENERAL PURPOSE UNITS OF LOCAL GOVERNMENT IN THE _____ AREA TO DEVELOP AND IMPLEMENT A PLAN RESULTING IN A COORDINATED WASTE TREATMENT MANAGEMENT SYSTEM FOR THE AREA

WHEREAS, pursuant to Section 208 of the Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500 (hereinafter called "the Act"), the Administrator of the United States Environmental Protection Agency has by regulation published guidelines for the identification of those areas which, as a result of urban-industrial concentrations or other factors, have substantial water quality control problems (40 CFR Part 126); and

WHEREAS, the _____ area (hereinafter called "the Area") satisfies the criteria contained in the Act and guidelines and designation of the area pursuant to section 208 and those guidelines is desirable; and

WHEREAS, Section 126.10 of the guidelines requires, among other things, that the affected general purpose units of local government within the problem area must show their intent, through formally adopted resolutions, to join together in the planning process to develop and implement a plan which will result in a coordinated waste treatment management system for the area; and

WHEREAS, such planning process and waste treatment management system is a necessary and significant measure to control present point and non-point sources of water pollution and to guide and regulate future development and growth in the area which may affect water quality, in order to prevent, abate and solve existing and potential substantial water quality control problems;

NOW, THEREFORE, IT IS RESOLVED THAT the Township of _____, recognizing that the _____ area has substantial water quality control problems, supports designation of the Area pursuant to Section 208 and the EPA guidelines.

IT IS FURTHER RESOLVED THAT THE _____ (city, county, township, etc.) intends to join with other affected general purpose units of local government within the boundaries of the area to develop and implement a plan which will result in a coordinated waste treatment management system for the area.

IT IS FURTHER RESOLVED THAT, inasmuch as the _____ (council of governments, special district, etc.) is a single representative organization with elected officials or their designees from local governments and is capable of developing effective areawide waste treatment management plans for the Area, the _____ (city, county, township, etc.) supports the designation of said organization as the planning agency for the Area.

IT IS FURTHER RESOLVED THAT all proposals for grants for contruction of publicly owned treatment works within the boundaries of the designated area will be consistent with the approved plan and will be made only by the designated management agency or agencies.

Approved this _____ day of _____, 19___.

VI. PUBLIC PARTICIPATION

A. Meeting Notices
B. Summary of Comments

Information must be submitted to EPA in sufficient detail to show that the Governor(s) or the chief elected officials of general purpose local government(s) have sought public advice on the designation of the planning area and planning agency. The information submitted to EPA should include a record of public meeting notices and a summary of comments at these meetings. Actual notices and meeting records must be kept and made available to the Administrator upon request.

Public meetings must be held both in those areas where the Governor intends to designate an areawide planning area and agency, and in those areas where the chief elected officials request designation but the Governor does not intend to designate.

EXAMPLE

PUBLIC PARTICIPATION

On behalf of the Governor, and in coordination with the State Planning Office and the State Water Quality Control Division, the meeting was held to provide all units of local government and the general public an opportunity to comment on the area and agency designations described above.

At the regular meeting on May 15, 1974, the Council of Governments authorized a Public Meeting for the above purpose. The meeting was scheduled, with a thirty-day notice, on June 17, 1974, and a legal notice was published in the Daily Post on May 17, 1974. A press release about the meeting was sent to the media throughout the area on May 30, 1974.

In addition to publication of the legal notice in the newspaper and the press release, copies of the public meeting notice were sent on about June 5, 1974, to the following:

- Members, Council of Governments (Elected Officials)
- Chief Administrative Officers (Municipalities and Counties)
- Citizens Advisory Committee
- Regional Planning Advisory Committee
- Water Resources Advisory Committee
- Public Works Directors
- Special Sanitation Districts
- Environmental Organizations
- State and Federal Agencies
- Chambers of Commerce
- League of Women Voters

Mr. John Brown, of the COG staff, presented a brief description of the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500), the factors responsible for proposed designation, and how planning under Section 208 would improve ability to control water quality problems. Mr. Brown then asked for comments or statements. Representatives of two organizations spoke, summarized as follows:

1. South Aime County Water and Sanitation District

   The District is opposed to designation of COG unless they can show how the District interest would be served.

   (a) Sanitation district representation on COG.

   (b) Qualifications of COG to be the 208 program Agency.

Note: The Council and staff will work with the District to satisfy their concerns.

2. Metro League of Women Voters

   The League believes that COG is the only agency with an overall point of view, and supports its designation under Section 208. Though realizing the difficulty, perhaps Manor County, or a part of it, should be included in the study (latter comment in addition to printed statement).

VII. DESIGNATED PLANNING AGENCY

A. Name
B. Address
C. Official Contact

EXAMPLE

MONROE REGIONAL COUNCIL OF GOVERNMENTS

1701 CLINTON AVE., SUITE 522

MONROE, ALABAMA

80210

JOHN DOE, EXECUTIVE DIRECTOR

(208) 552-3708

VIII. FACTORS FOR AGENCY DESIGNATION

A. Membership
B. Planning Jurisdiction
C. Procedures for Plan Adoption & Resolution of Issues
D. Start-up Ability
E. Plan Completion Capacity

The information submitted to justify the designation of a planning agency must certify that the agency:

A. Is a representative organization whose membership includes elected officials or their designees of all local units of government in the designated area.

B. Has waste treatment planning jurisdiction for the entire area.

C. Has established procedures for getting the plan adopted and for resolving major issues.

D. Has the capacity to have the water quality management planning process completely underway no later than one year after designation approval.

E. Has the capacity to complete the initial water quality plan within 2 years of the operational starting date.

EXAMPLE

PROFILE OF THE REGIONAL AGENCY

The Regional Council of Governments was established in 1963. It is a representative organization whose membership includes a) elected officials (or their designees) of all local general purpose governments in State Planning Region 3; and b) 2 representatives of the Lower Green Valley Water Pollution Abatement District Authority. The COG also has an established procedure for public participation throughout development of all plans.

The COG has all legal authority required for planning throughout the district. In particular, Section 5(e) of its enabling legislation (Chapter 106, Article 2, State Revised Statutes, 1963) gives the COG planning jurisdiction over sewage treatment, sewer lines and related facilities required to maintain and improve water quality in the Region. The COG's other planning functions encompass land use, air, sanitation, solid waste, water supply, open space, parks, transportation, and community assistance planning.

Consistent with its enabling legislation, plans of the Regional Council of Governments are advisory to the municipalities and counties within its planning area. These plans, however, may become binding on the affected cities and counties by action of the governing bodies of these units of government. The specific procedure for plan adoption, including a public hearing process, are outlined in Section 52 of Chapter 106, Article 2. If the governing bodies specifically adopt a plan prepared by the Regional Council of Governments, this plan becomes binding within the jurisdiction of the adopting community.

Since its inception in 1963, the COG has assembled a diversified and highly qualified staff of planners, administrators and technicians. Only minor staff expansion would be needed to establish a full 208 staff. Experience has shown that the COG can channel its staff resources to produce quality results. At this time, the COG is well-equipped to have a 208 program in full operation within one year and to formulate a sound waste treatment plan in two years of that date.

VIII. OTHER FACTORS FOR CONSIDERATION IN AGENCY DESIGNATION

F. Relationship with Other Planning Agencies
G. Relationship with Management and Regulatory Agencies
H. Existing Agency History, Expertise, and Resources

Supporting information for the designation of the planning agency must also indicate:

- The relationship (both formal and informal) with other planning agencies at various levels of government and whose activities would affect or be affected by the required planning work.

- The relationship (both formal and informal) with management and regulatory agencies which would be affected by various facets of such a plan including zoning and facilities construction and operation.

If an existing agency is being designated, such as a council of governments or regional planning agency, then the following information should be included:

- The agency's past record in water quality management planning with special regard to plan quality, technical, fiscal, political, and economic feasibility and environmental soundness, citing examples as appropriate.

- The agency's expertise, whether in-house or readily available, with particular regard to water quality and comprehensive planning, citing any appropriate specific qualifications.

- The agency's fiscal, manpower, data, and other resources available for the required planning in light of existing and proposed commitments in other areas or activities.

- The agency's capability for having the plan implemented, citing specific examples upon which such conclusions are based including minimum personnel requirements.

EXAMPLE

DESIGNATED AGENCY DESCRIPTION

1. FUNCTIONAL JURISDICTION

Article III in the Articles of Association identify the functions to be performed by RCOG, including plans for land use, transportation, public works such as utilities flood control works, water reservoirs, and pollution control facilities and recommendations for regulatory measures.

2. RELATIONSHIP WITH OTHER PLANNING AGENCIES

In its role as the arewide planning agency for the Metropolitan Area, the Council maintains effective working relationships with the planning agencies of its member jurisdictions and with the planning activities of various state, federal and regional agencies. Specifically, within the area of waste treatment management planning, the Council of Governments regularly receives advice and recommendations on the subject from its Water Resources Advisory Committee. This committee is composed of individuals involved in wastewater, runoff, water supply and other waste resource management activities in each of the Council's member jurisdictions. Similarly, through it's Regional Planning Advisory Committee, advice and recommendations are received from the planning agencies of local government on wastewater and the entire range of planning activities of the Council.

3. RELATIONSHIP WITH MANAGEMENT AND REGULATORY AGENCIES

The Council of Governments also maintains working relationships with the various management and regulatory agencies that possess zoning and subdivision controls, as well as those which construct and operate wastewater facilities. Zoning and subdivision controls are excercised primarily by the cities and counties which constitute the membership of the Regional Council of Governments.

4. HISTORY OF WATER QUALITY MANAGEMENT PLANNING

With specific reference to wastewater management planning, the Regional Council of Governments has a long history of accomplishment in this area, as shown in Table 9. As far back as 1956, the Council, then known as the Inter-County Regional Planning Commission, undertook studies designed to solve then exisiting metropolitan sewage disposal problem. These early efforts were studies conducted by the Commission and, later, cooperatively with the Joint Sanitation Commission, which provided a basis for the state legislation in 1960 enabling creation of the Metropolitan Sewage Disposal District No. 1.

continued...

EXAMPLE

5. OTHER PROJECTS

In 1972 the $300,000 two year Project REUSE was completed, with plans for urban drainage and flood control and solid waste. The Urban Drainage and Flood Control District, which was a cooperating agency, is now implementing its program based on Project REUSE recommendations. A private firm is conducting a pilot program to convert municipal and commercial solid waste to energy, accompanied by separation and recycling of valuable materials. If successful, the firm would take all such waste from the area, effectively carrying out the major elements of Project REUSE.

6. AGENCY CAPABILITY

COG has a professional staff of 37 persons, and 38 non-professionals. With regard to water quality planning three professionals have responsibilities in this area, principally to direct the activities of consultants. One of these staff members has an M.S. degree in Water Resources, and did a major part of the recent Wasteload Allocation Study, assisted by a consultant. The other staff members have education and experience in economics, urban planning and public administration. This staff would be increased to add water resources personnel needed to carry out the planning effort under Section 208.

COG staff relies upon members of the Water Resources Advisory Committee for professional advice in wastewater and other water related matters, particularly in A-95 reviews and wastewater Site Location Reviews for the State.

7. AGENCY COMMITMENTS

The agency has a long history of comprehensive planning, including a wide range of functional elements. RCOG is financially supported by annual dues from its participating members, based upon an established formula. This revenue is used for the agency's sustaining activities and as matching funds for State and Federal grants. No other activities or programs would preclude an active water quality management planning program under Section 208. Instead, land use, storm runoff, open space, transportation and water quality activities can complement one another.

APPENDIX A

1972 Federal Water Pollution Control Act Amendments (P.L. 92-500)

AREAWIDE WASTE TREATMENT MANAGEMENT

Section 208

a) For the purpose of encouraging and facilitating the development and implementation of areawide waste treatment management plans-

(1) The Administrator, within ninety days after the date of enactment of this Act and after consultation with appropriate Federal, State, and local authorities, shall by regulation publish guidelines for the identification of those areas which, as a result of urban-industrial concentrations of other factors, have substantial water quality control problems.

(2) The Governor of each State, within sixty days after publication of the guidelines issued pursuant to paragraph (1) of this subsection, shall identify each area within the State which, as a result of urban-industrial concentrations or other factors, has substantial water quality control problems. Not later than one hundred and twenty days following such identification and after consultation with appropriate elected and other officials of local governments having jurisdiction in such areas, the Governor shall designate (A) the boundaries of each such area, and (B) a single representative organization, including elected officials from local governments or their designees, capable of developing effective areawide waste treatment management plans for such area. The Governor may in the same manner at any later time identify any additional area (or modify an existing area) for which he determines areawide waste treatment management to be appropriate, designate the boundaries of such area, and designate an organization capable of developing effective areawide waste treatment management plans for such area.

(3) With respect to any area which, pursuant to the guidelines published under paragraph (1) of this subsection, is located in two or more States, the Governors of the respective States shall consult and cooperate in carrying our the provisions of paragraph (2), with a view toward designating the boundaries of the interstate area having common water quality control problems and for which areawide waste treatment management plans would be most effective, and toward designating, within one hundred and eighty days after publication of guidelines issued pursuant to paragraph (1) if this subsection, of a single representative organization capable of developing effective areawide waste treatment management plans for such area.

(4) If a Governor does not act, either by designating or determining not to make a designation under paragraph (2) of this subsection, within the time required by such paragraph, or if, in the case of an interstate area, the Governors of the States involved do not designate a planning organization within the time required by paragraph (3) of this subsection, the chief elected officials of

local governments within an area may by agreement designate (A) the boundaries for such an area, and (B) a single representative organization including elected officials from such local governments, or their designees, capable of developing an areawide waste treatment management plan for such area.

(5) Existing regional agencies may be designated under paragraphs (2), (3), and (4) of this subsection.

(6) The State shall act as a planning agency for all portions of such State which are not designated under paragraphs (2), (3), or (4) of this subsection.

(7) Designations under this subsection shall be subject to the approval of the Administrator.

b) (1) Not later than one year after the date of designation of any organization under subsection (a) of this section such organization shall have in operation a continuing areawide waste treatment management planning process consistent with section 201 of this Act. Plans prepared in accordance with this process shall contain alternatives for waste treatment management, and be applicable to all wastes generated within the area involved. The initial plan prepared in accordance with such process shall be certified by the Governor and submitted to the Administrator not later than two years after the planning process is in operation.

(2) Any plan prepared under such process shall include, but not be limited to-

(A) the identification of treatment works necessary to meet the anticipated municipal and industrial waste treatment needs of the area over a twenty-year period, annually updated (including an analysis of alternative waste treatment systems), including any requirements for the acquistion of land for treatment purposes; the necessary waste water collection and urban storm water runoff systems; and a program to provide the necessary financial arrangements for the development of such treatment works;

(B) the establishment of construction priorities for such treatment works and time schedules for the initiation and completion of all treatment works;

(C) the establishment of a regulatory program to-

(i) implement the waste treatment management requirements of section 201(c),

(ii) regulate the location, modification, and construction of any facilities within such area which may result in any discharge in such area, and

(iii) assure that any industrial or commercial wastes discharged into any treatment works in such area meet applicable pretreatment requirements;

(D) the identification of those agencies necessary to construct, operate, and maintain all facilities required by the plan and otherwise to carry out the plan;

(E) the identification of the measures necessary to carry out the plan (including financing), the period of time necessary to carry out the plan, the costs of carrying out the within such time, and the economic, social, and environmental impact of carrying out the plan within such time;

(F) a process to (i) identify, if appropriate, agriculturally and silviculturally related nonpoint sources of pollution, including runoff from manure disposal areas, and from land used for livestock and crop production, and (ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;

(G) a process to (i) identify, if appropriate, mine-related sources of pollution including new, current, and abandoned surface and underground mine runoff, and (ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;

(H) a process to (i) identify construction activity related sources of pollution, and (ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;

(I) a process to (i) identify, if appropriate, salt water intrusion into rivers, lakes, and estuaries resulting from reduction of fresh water flow from any cause, including irrigation, obstruction, ground water extraction, and diversion, and (ii) set forth procedures and methods to control such intrusion to the extent feasible where such procedures and methods are otherwise a part of the waste treatment management plan;

(J) a process to control the disposition of all residual waste generated in such area which could affect water quality; and

(K) a process to control the disposal of pollutants on land or in subsurface excavations within such area to protect ground and surface water quality.

(3) Areawide waste treatment management plans shall be certified annually by the Governor or his designee (or Governors or their designees, where more than one State is involved) as being consistent with applicable basin plans and such areawide waste treatment management plans shall be submitted to the Administrator for his approval.

(4) Whenever the Governor of any State determines (and notifies the Administrator) that consistency with a statewide regulatory program under section 303 so requires, the requirements of clauses (F) through (K) of paragraph (2) of this subsection shall be developed and submitted by the Governor to the Administrator for application to all regions within such State.

c) (1) The Governor of each State, in consultation with the planning agency designated under subsection (a) of this section, at the time a plan is submitted to the Administrator, shall designate one or more waste treatment management agencies (which may be an existing or newly created local, regional, or State agency or political subdivision) for each area designated under subsection (a) of this section and submit such designations to the Administrator.

(2) The Administrator shall accept any such designation, unless, within 120 days of such designation, he finds that the designated management agency (or agencies) does not have adequate authority-

(A) to carry out appropriate portions of an areawide waste treatment management plan developed under subsection (b) of this section;

(B) to manage effectively waste treatment works and related facilities serving such area in conformance with any plan required by subsection (b) of this section;

(C) directly or by contract, to design and construct new works, and to operate and maintain new and existing works as required by any plan developed pursuant to subsection (b) of this section;

(D) to accept and utilize grants, or other funds from any source, for waste treatment management purposes;

(E) to raise revenues, including the assessment of waste treatment charges;

(F) to incur short-and long-term indebteness;

(G) to assure in implementation of an areawide waste treatment management plan that each participating community pays its proportionate share of treatment costs;

(H) to refuse to receive any waste from amy municipality or subdivision thereof, which does not comply with any provisions of an approved plan under this section applicable to such area; and

(I) to accept for treatment industrial wastes.

d) After a waste treatment management agency having the authority required by subsection (c) has been designated under such subsection for an area and a plan for such area has been approved under subsection (b) of this section, the Administrator shall not make any grant for construction of a publicly owned treatment works under

section 201(g)(1) within such area except to such designated agency and for works in conformity with such plan.

e) No permit under section 402 of this Act shall be issued for any point source which is in conflict with a plan approved pursuant to subsection (b) of this section.

f) (1) The Administrator shall make grants to any agency designated under subsection (a) of this section for payment of the reasonable costs of developing and operating a continuing areawide waste treatment management planning process under subsection (b) of this section.

(2) The amount granted to any agency under paragraph (1) of this subsection shall be 100 per centum of the costs of developing and operating a continuing areawide waste treatment management planning process under subsection (b) of this section for each of the fiscal years ending on June 30, 1973, June 30, 1974, and June 30, 1975, and shall not exceed 75 per centum of such costs in each succeeding fiscal year.

(3) Each applicant for a grant under this subsection shall submit to the Administrator for his approval each proposal for which a grant is applied for under this subsection. The Administrator shall act upon such proposal as soon as practicable after it has been submitted, and his approval of that proposal shall be deemed a contractual obligation of the United States for the payment of its contribution to such proposal. There is authorized to be appropriated to carry out this subsection not to exceed $50,000,000 for the fiscal year ending June 30, 1973, not to exceed $100,000,000 for the fiscal year ending June 30, 1974, and not to exceed $150,000,000 for the fiscal year ending June 30, 1975.

(g) The Administrator is authorized, upon request of the Governor or the designated planning agency, and without reimbursement, to consult with, and provide technical assistance to, any agency designated under subsection (a) of this section in the development of areawide waste treatment management plans under subsection (b) of this section.

h) (1) The Secretary of the Army, acting through the Chief of Engineers, in cooperation with the Administrator is authorized and directed, upon request of the Governor of the designated planning organization, to consult with, and provide technical assistance to, any agency designed under subsection (a) of this section in developing and operating a continuing areawide waste treatment management planning process under subsection (b) of this section.

(2) There is authorized to be appropriated to the Secretary of the Army, to carry out this subsection, not to exceed $50,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974.

APPENDIX B

40 CFR Part 130.13

§ 130.13 Designation of areawide planning areas and agencies.

(a) The Governor(s) shall identify areawide planning areas pursuant to section 208(a)(2) or (3) of the Act which, as a result of urban-industrial concentrations or other factors, have substantial water quality control problems. A substantial water quality control problem will be deemed to exist when water quality has been or may be degraded to the extent that existing or desired designated water uses are impaired or precluded and when the water quality control problem is complex.

(NOTE: In approving such designations of areawide planning areas, the Administrator will give preference to areas of urban-industrial concentration.)

(b) The Governor(s) shall, after consultation with appropriate elected and other officials of local governments having jurisdiction in those areas identified in accordance with § 130.13(a), designate areawide planning areas provided that:

(1) The affected general purpose or other appropriate units of local government within the boundaries of the areawide planning area have in operation a coordinated waste treatment management system, or show their intent, through a demonstrated effort to obtain and submit resolutions of intent from those governmental units believed to be critical in the planning and implementation of the areawide 208 plan.

(NOTE: In those cases where it is not possible to obtain the necessary resolutions of intent, the Governor, in the designation process, must stipulate that the authorities of the State will be used to assure adequate compliance with the planning and management process requirements of section 208 of the Act.)

(2) The affected units of local govment have legal authority to enter into agreements for coordinated wastewater management in compliance with section 208 of the Act.

(3) The water quality problem for the area is not associated with a water pollution control problem for which the State has pre-empted areawide planning pursuant to section 208(b)(4) of the Act.

(c) The Governor(s) shall designate a single representative organization capable of developing effective areawide plans in accordance with section 208 of the Act for each area designated pursuant to § 130.13(b). Each areawide planning agency shall:

(1) Be a representative organization whose membership shall include, but need not be limited to, elected officials of local governments or their designees having jurisdiction in the designated areawide planning area;

(2) Have waste treatment planning jurisdiction in the entire designated areawide planning area;

(3) Have the capability to have the water quality management planning process fully underway no later than one year after approval of the designation;

(4) Have the capability to complete the initial water quality management plan no later than two years after the planning process is in operation; and

(5) Have established procedures for adoption, review, and revision of plans and resolution of major issues, including procedures for public participation in the planning process.

(d) The procedures for designating areawide planning areas and agencies shall be as follows:

(1) Within 60 days after these regulations become effective, the Governor shall:

(i) After communication with chief elected officials of local or regional general purpose units of government in areas not yet designated, identify areas and agencies which he determines to be eligible for designation pursuant to § 130.13 (b) and (c).

(ii) Notify the chief elected officials of local or regional general purpose units of governments of those areawide planning areas and agencies he intends to designate pursuant to § 130.13(d)(1)(i) and request their comments and recommendations.

(2) In areas where the chief elected officials feel that the Governor acted inappropriately in his determination of eligible areas and agencies pursuant to § 130.13(d)(1)(i), such officials may petition the Governor for reconsideration of his determination.

(3) Within 150 days after these regulations become effective and after consideration of recommendations of chief elected officials of local or regional general purpose units of government, the Governor shall:

(i) Hold public meetings or hearings in those areas where he intends to designate an areawide planning area and agency.

(ii) Hold public meetings or hearings in those areas where chief elected officials request designation, but the Governor does not intend to designate.

(iii) Submit his final determination on designations to be made to the Regional Administrator. A record of the public meetings or hearings pursuant to § 130.13 (d)(3) (i) and (ii) shall be made available to the Regional Administrator and the public on request.

(NOTE: The Governor may allow self-designation by chief elected officials of local or regional general purpose units of government pursuant to section 208(a)(4) of the Act. In those cases where the Governor allows a self-designation, the chief elected officials shall submit the request for designation to the Regional Administrator pursuant to § 130.13 (e) or (f).)

(4) The designation procedures set forth in § 130.13(d) (1), (2), and (3) may be waived by the Regional Administrator where he determines that the initial designation process required pursuant to section 208(a) of the Act resulted in the designation of all areas and agencies in the State that meet the criteria set forth in § 130.13 (b) and (c).

(5) The identification and designation of interstate areas shall be in accordance with the provisions of § 130.13 (a) through (d) provided, however, that appropriate interstate agencies shall be consulted, and the designation shall be the joint action of the Governors of all the affected States.

(e) Within 150 days after these regulations become effective, for each areawide planning area and agency to be designated during FY 1976, the Governor shall provide the following information to the Regional Administrator:

(1) An exact description of the boundaries of each area including a statement relating the boundaries of any area to the boundaries of the SMSA(s) contained within or contiguous to the area or, for those areas not within a SMSA, a statement relating the boundaries of the area to the nearest SMSA, and a statement indicating:

(i) Population of the area;

(ii) Nature of the concentration and distribution of industrial activity in the area;

(iii) Degree to which it is anticipated that the area could improve its ability to control water quality problems were it designated as an areawide planning area; and

(iv) Factors responsible for designation of the areawide planning area as described in § 130.13(a).

(2) Identification and supporting analysis of each water quality segment included in each area, as identified pursuant to § 130.10(c)(3).

(3) For each area a copy of the charter of existing regional waste treatment management agencies or formally adopted resolutions, if available, which demonstrate that the general purpose units of local government involved will join together in the planning process to develop and implement a plan which will result in a coordinated waste treatment management system for the area. The resolutions shall also state that all applications for grants for construction of a publicly owned treatment works will be consistent with the approved plan and will be made only by the designated management agency.

(4) For each area, the name, address, and official contact for the agency designated to carry out the planning.

(5) A statement on the factors considered in agency designation as described in § 130.13(c).

(6) A summary of public participation in accordance with the requirements set forth in Part 105 of this Chapter.

(f) For areawide planning areas and agencies to be designated after FY 1976, the information received by § 130.13(e) shall be submitted at a later date to be established by the Administrator.

(g) The Regional Administrator and the Administrator shall review each submission pursuant to § 130.13 (e) and (f) to determine compliance with the Act and the criteria set forth in § 130.13 (a) through (d).

(h) Upon completion of his review, the Administrator shall publish notice in the FEDERAL REGISTER and shall notify in writing the appropriate Governor(s) of his approval. The effective date of designation is the date of the Administrator's approval of each designation. In the event that the Administrator disapproves any of the designations, he shall specify his reasons with his notice of disapproval.

(i) The appropriate Governor(s) may from time to time designate additional areawide planning areas and agencies. In such cases, approval of the designation shall be at the discretion of the Administrator, taking into account its consistency with the State continuing planning process. The Administrator will also take into account the ability of any such designated areawide planning agency to develop and submit the areawide plan no later than November 1, 1978.

APPENDIX C

40 CFR Part 130 and 131

POLICIES AND PROCEDURES FOR CONTINUING PLANNING PROCESS

PREPARATION OF WATER QUALITY MANAGEMENT PLANS

SUBCHAPTER D—POLICIES AND PROCEDURES FOR STATE CONTINUING PLANNING PROCESS

[FRL 461-4]

PART 130—POLICIES AND PROCEDURES FOR CONTINUING PLANNING PROCESS

Policies and Procedures for the State Continuing Planning Process

On July 16, 1975, notice was published in the FEDERAL REGISTER, 40 FR 29882, that the Environmental Protection Agency was proposing to amend the policies and procedures for the State continuing planning process (40 CFR Part 130) pursuant to sections 208 and 303(e) of the Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500, 86 Stat. 816 (1972); (33 U.S.C. 1251 et seq.) (hereinafter referred to as the Act).

On September 8, 1975, notice was published in the FEDERAL REGISTER, 40 FR 41649, that the Environmental Protection Agency was proposing to amend the regulations (40 CFR Part 126) which describes the policies and procedures for designating areas and agencies in accordance with section 208(a) (2), (3), or (4) of the Act. The designation regulations have now been incorporated into 40 CFR Part 130. Part 131 of this Chapter has also been amended. The amend-

ments are in accordance with a Court Order issued by Judge John Lewis Smith, Jr., in Natural Resources Defense Council et al. v. Train, et al., D.C. D.C. Civ. Act. No. 74-1485, which stipulates that Section 208 planning must be conducted by the States in all areas that are not designated in accordance with section 208(a) (2) through (4) of the Act.

Sections 303(e) and 208 of the Act require State and designated areawide planning agencies to submit a continuing planning process which is consistent with the Act. The continuing planning process directs the development of water quality management plans and implementing programs prepared pursuant to sections 208 and 303(e) of the Act and Part 131 of this Chapter (Preparation of Water Quality Management Plans). All States have a continuing planning process which has been approved previously by EPA; these amended regulations, however, will necessitate revision of the States continuing planning process.

The amendments to 40 CFR Parts 130 and 131 are specifically designed to incorporate section 208 requirements for both State and designated areawide planning agencies into a single set of regulations that describes the policies and procedures for such planning. Regulations under 40 CFR Part 35, Subpart A describe the procedures for providing grants to both State and areawide planning agencies for the conduct of section 208 planning. This consolidation of the requirements of section 208 for areawide planning agencies and sections 303(e) and 208 for State planning agencies will establish a single Statewide process that fulfills all applicable requirements for water quality management planning and implementation under the Act.

These amended regulations describe the necessary elements of, and provide procedures for review, revision, and approval of a State's continuing planning process. In addition, these regulations now provide the mechanism for States to satisfy the Statewide requirements of section 208. They also provide the States with a mechanism for satisfying portions of sections 303(c) (Review and revision of water quality standards); 303(d) (Critical waters and total maximum daily loads); 305(b) (Assessment and projection of water quality and related information, including nonpoint sources); 314(a) (Clean lakes); and 516 (b) (Federal/State estimate of publicly owned treatment works construction needs); they also provide data for 104 (a)(5) (Federal report on water quality).

The broad goals of the continuing planning process are to assure that the necessary institutional arrangements and management programs are established to make and implement coordinated decisions designed to achieve water quality goals and standards; to develop a Statewide (State and areawide) water quality assessment; and to establish water quality goals and State water quality standards which take into account overall State and local policies and programs, including those for management of land and other natural resources; and to develop the strategic guidance for preparing the annual State program plan required under Section 106 of the Act. Assistance to State and local agencies under Section 106 is dealt with in Subpart B of 40 CFR Part 35.

The level of detail of water quality management plans will be tailored to the water quality problems of the area, varying from intensive planning in designated, complex problem areas to minimal planning where the State certifies that no water quality problems exist.

The timing for development and the content of plans will be established by agreement between the State and the Regional Administrator, consistent with the following:

(a) Phase I plans consist of those plans submitted prior to July 1, 1975, or those plans submitted prior to July 1, 1976, where an extension of up to one year has been granted by the Regional Administrator for specific basins or other approved planning areas. For Phase I, the requirements for planning are those requirements set forth in 40 CFR Parts 130 and 131, "Water Quality Management Basin Plans," promulgated on June 3, 1974.

(b) Phase II plans consist of those plans, or portions thereof, submitted after Phase I plans are approved. Initial Phase II State water quality management plans and areawide water quality management plans must be completed, adopted, certified, and submitted to the Regional Administrator for approval no later than November 1, 1978. The plans are to conform with the requirements of Parts 130 and 131 as amended.

Regulations under Part 131 of this Chapter describe requirements for the preparation of State and areawide water quality management plans pursuant to the State's continuing planning process. Such plans form a basis for implementing applicable point and nonpoint source controls in order to achieve the requirements of the Act. These plans are to consist of such elements as are necessary for sound planning and program management in the area covered by the plan. Regulations under Part 35, Subpart A of this Chapter set forth the procedures for obtaining grants for State and areawide water quality management planning.

Regulations under Part 35, Subpart B of this Chapter describe requirements for the preparation of the annual State program plan. Part 131 and Part 35, Subpart B regulations should be consulted during the review and revision of the continuing planning process under this Part 130. Additional guidelines concerning the continuing planning process, the development of State and areawide water quality management plans, and the development of the annual State program plans will be prepared to assist the State and areawide planning agencies in carrying out the provisions of these regulations.

Federal properties, facilities, and activities are subject to Federal, State, interstate, and local standards and effluent limitations for control and abatement of pollution. The State's planning process should include provision for Federal sources. It is contemplated that Federal agencies will provide information to the States in accordance with procedures established by the Administrator.

Written comments on the proposed rulemaking were invited and received from nearly 100 interested groups, including EPA Regional Offices, State and local governments, other Federal agencies, industrial organizations and special interest groups. In addition, verbal comments were obtained from representatives of State and local government. All written comments are on file with the Agency. Most of these comments have been adopted or substantially satisfied by editorial change, deletions from, or additions to the regulations. The majority of substantive comments centered around the issues discussed below.

1. State and Local Governmental Interrelationships.

From the outset of the development of these regulations, State and local government representatives have suggested that EPA describe in the regulations the specific responsibilities and relationships between State, local and Federal governments relating to 208 planning and implementation requirements.

The final regulations reflect the primary role of the States in coordinating planning on a Statewide basis, consistent with Judge Smith's Court Order, and describe the general requirements for coordinating integration and communication between State and local governments. The regulations provide the flexibility to allow and, indeed, encourage State and local government to work out their own appropriate institutional arrangements relating to water quality management planning and implementation. In this regard, the regulations reflect the specific mandates of the Act and, additionally contain a requirement for establishment of State and local policy advisory committees in order to assure that adequate and appropriate results from local, State and Federal governments will be included in the development and implementation of water quality management plans.

2. Relationship of Planning Process and Other Programs.

Because State and designated areawide water quality management planning will ultimately serve as the basis for implementation of essentially all programs under the Act, the relationship of and impact on other programs was carefully formulated in the proposed regulations.

The major concern relating to provision of legal sanctions (i.e., withholding of construction grants and/or permits in the absence of complete planning) was resolved prior to the proposed regulations as a result of an EPA legal opinion. Thus, the final regulations do not incorporate sanctions for noncompliance, but provide that once a plan has been approved by the Regional Administrator no permits shall be issued or construction grants approved which are in con-

flict with the plan. Recognizing that other determinations outside the planning process by EPA and/or the States could lead to inconsistencies with approved plans, the final regulations clarify how such determinations are to be dealt with in revising the plans.

3. Designation Procedures for Areawide Planning Areas and Agencies.

Many comments indicated that the proposed procedures were unclear as to whether the Governor made the final decisions on designations or whether the chief elected officials could override the Governor's decision. In addition, many comments also indicated that the proposed regulations put an undue burden on States that have already designated the eligible areas and agencies within their States by requiring them to reopen the designation process.

The designation procedures have now been clarified to indicate that the Governor makes the final designation decisions. However, the chief elected officials are given the opportunity to fully participate in the Governor's decision. In addition, the designation procedures have been revised to provide for a waiver for those States where the Regional Administrator determines that the initial designation process resulted in the designation of all eligible areas and agencies within the State.

4. Lack of Adequate Manpower and Funding.

Concern was raised regarding the lack of adequate manpower and funding needed for the State and areawide planning agencies to conduct 208 planning. The final regulations recognize that the ability to conduct this planning in the nonpoint source area will be dependent upon the availability of additional resources. Thus, these regulations have been amended to allow flexibility for the States in reorienting their water quality management programs. The State/EPA agreement on timing and level of detail and the areawide planning agency work plan are to be used as the mechanisms to identify the specific planning to be conducted by agreement with the EPA Regional Administrator. The timing of plan preparation, however, is constrained by the November 1, 1978 deadline. Thus, the States and areawide planning agencies, are required to tailor their individual planning processes to fit the specific planning constraints facing the agency as well as the specific water quality problems to be solved.

5. Water Quality Standards Revisions/Antidegradation.

State and areawide planning agencies have been concerned throughout the development of these regulations that EPA has not adequately addressed the issue of revisions to water quality standards and development of a Statewide policy on antidegradation. These regulations set forth clearly EPA's policy regarding the role of water quality standards in achieving the goals of the Act and the Agency's antidegradation position.

EPA strongly supports the establishment of water quality standards which will support the protection and propagation of fish, shellfish and wildlife and recreation in and on the water. In furtherance of this objective, EPA believes that water quality standards should be established at levels consistent with the national water quality goal of section 101(a)(2) of the Act for every stream segment wherever those levels are attainable. The guidance to the States in these regulations regarding revisions of their water quality standards is based on this general principle. While standards at these levels may not be attainable now for some stream segments, EPA expects the State to continue to review their standards and upgrade them to the national water quality goal whenever such standards become attainable.

EPA Regional Administrators will review the actions of the States regarding these revisions and will, when appropriate, request additional information from the States to evaluate the basis for establishing standards at levels less stringent than the national water quality goal.

These regulations further provide that existing water uses shall be maintained, and where existing water quality standards do not specify and protect the existing uses, that the State shall upgrade its standards to achieve such specification and protection of these uses. These regulations also provide that designated uses in existing water quality standards shall be maintained and that the existing standards shall not be downgraded to designate and protect less restrictive uses unless one or more of the criteria listed in § 130.17(c)(3) are met.

It should also be emphasized that in addition to the water quality standards established by the States, EPA's commitment to achieving the national water quality goal will also be implemented through the application of section 302 of the Act. That provision allows the Administrator to establish effluent limitations for point sources more stringent than the technology-based limitations mandated for 1983 when a greater reduction in discharges is necessary to achieve the national water quality goal for a particular stream segment. The statute allows a discharger to request adjustments of such limitations if the discharger demonstrates that there is no reasonable relationship between the economic and social costs and the benefits to be obtained. EPA is convinced, however, that the adoption of stringent water quality standards, supplemented with appropriate use of Section 302 limitations will make the achievement of the national water quality goal a reasonable prospect.

The Agency's antidegradation policy is the same in many respects as the policy that EPA and its predecessor Agency have encouraged the States to adopt in the past. The policy provides for protection of existing instream water uses and, for water whose quality exceeds the national water quality goals, prohibits degradation except to allow necessary and justifiable economic and social development. In no event may degradation of water quality interfere with or become injurious to existing instream water uses. The effect of including antidegradation requirements in these regulations is to require the States to review their current antidegradation policies and to establish a mechanism, including a public process, for implementing the State antidegradation policies.

As discussed above, these regulations are issued in response to an Order of the District Court for the District of Columbia, and contain a provision for plan submission no later than November 1, 1978, as required by the Order of the Court. Given the limited amount of time for the plans to be completed, and the consequent need for both State and areawide agencies to move forward quickly to adjust their planning processes to these regulations, good cause is hereby found for making these regulations effective upon publication.

In consideration of the foregoing, 40 CFR is hereby amended by deleting the existing parts 126 and 130 by adding a new Part 130 to read as follows.

Dated: November 21, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart A—Scope and Purpose; Definitions

Sec.
130.1 Scope and purpose.
130.2 Definitions.

Subpart B—General Requirements

130.10 Planning process requirements.
130.11 Agreement on level of detail and timing of State water quality management plan preparation.
130.12 Designation of State planning agency.
130.13 Designation of areawide planning areas and agencies.
130.14 Delegation of planning responsibilities.
130.15 Designation of management agencies.
130.16 Intergovernmental cooperation and coordination.
130.17 Water quality standards.

Subpart C—Requirements for State Strategy

130.20 State strategy; contents and submission.

Subpart D—Relationship of Planning Process and Other Programs

130.30 Relationship to monitoring and surveillance program.
130.31 Relationship to municipal facilities program.
130.32 Relationship to National Pollutant Discharge Elimination System.
130.33 Relationship of State and designated areawide planning programs.
130.34 Relationship to other local, State, and Federal planning programs.
130.35 Planning requirements for Federal properties, facilities or activities.

Subpart E—State Planning Process Adoption, Approval and Revisions Procedures; Separability

130.40 Adoption and submission of State process description.
130.41 Review and approval or disapproval of State process.
130.42 Withdrawal of approval of State process.
130.43 Review and revision of State process.
130.44 Separability.

AUTHORITY: Secs. 106, 208, 303(d), 303(e), 305(b), 314, 501, 516(b) of the Federal Water Pollution Control Act, as amended; Pub. L.

92-500, 86 Stat. 816 (1972); (33 U.S.C. 1251 et. seq.).

Subpart A—Scope and Purpose; Definitions

§ 130.1 Scope and purpose.

(a) This part establishes regulations specifying policies, procedures, and other requirements for the continuing planning process for the State pursuant to sections 208 and 303(e) of the Act and for designated areawide agencies pursuant to section 208(b) of the Act. The regulations established in this part and in Part 131 of this Chapter define and implement the requirements for State and areawide planning and implementation pursuant to section 208 of the Act and for carrying out other provisions of the Act. These regulations apply to State and designated areawide planning agencies that are responsible for planning pursuant to section 208 and 303(e) of the Act.

(b) The intent of this part is to unify and integrate the State and areawide water quality management planning and implementation requirements of section 208 and other provisions of the Act.

(c) The broad goals of the continuing planning process are to assure that necessary institutional arrangements and management programs are established to make and implement coordinated decisions designed to achieve water quality goals and standards; to develop a Statewide (State and areawide) water quality assessment, and to establish water quality goals and State water quality standards which take into account overall State and local policies and programs, including those for management of land and other natural resources; and to develop the strategic guidance for preparing the annual State program plan required under section 106 of the Act.

(d) The "continuing planning process" is a time-phased process by which the State, working cooperatively with designated areawide planning agencies:

(1) Develops a water quality management decision-making process involving elected officials of State and local units of government and representatives of State and local executive departments that conduct activities related to water quality management.

(2) Establishes an intergovernmental process which provides for water quality management decisions to be made on an areawide or local basis and for the incorporation of such decisions into a comprehensive and cohesive Statewide program. Through this process, State regulatory programs and activities will be incorporated into the areawide water quality management decision process.

(3) Develops a broad based public participation aimed at both informing and involving the public in the water quality management program.

(4) Prepares and implements water quality management plans, which identify water quality goals and established State water quality standards, define specific programs, priorities and targets for preventing and controlling water pollution in individual approved planning areas and establish policies which guide decision-making over at least a twenty-year span of time (in increments of five years).

(5) Based on the results of the Statewide (State and areawide) planning process, develops the State strategy, to be updated annually, which sets the State's major objectives, approach, and priorities for preventing and controlling pollution over a five-year period.

(6) Translates the State strategy into the annual State program plan (required under section 106 of the Act), which establishes the program objectives, identifies the resources committed for the State program each year, and provides a mechanism for reporting progress toward achievement of program objectives.

(7) Periodically reviews and revises water quality standards as required under section 303(c) of the Act.

§ 130.2 Definitions.

As used in this part, the following terms shall have the meanings set forth below.

(a) The term "Act" means the Federal Water Pollution Control Act, as amended; Pub. L. 92-500, 86 Stat. 816 (1972); (33 U.S.C. 1251 et seq.).

(b) The term "EPA" means the United States Environmental Protection Agency.

(c) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(d) The term "Regional Administrator" means the appropriate EPA Regional Administrator.

(e) The term "continuing planning process" means the continuing planning process, including any revision thereto, required by sections 208 and 303(e) of the Act for State agencies and section 208(b) of the Act for designated areawide agencies.

(f) The term "water quality management plan" means the plan for managing the water quality, including consideration of the relationship of water quality to land and water resources and uses, on an areawide basis, for each EPA/State approved planning area and for those areas designated pursuant to section 208a (2), (3), or (4) of the Act within a State. Preparation, adoption, and implementation of water quality management plans in accordance with regulations under this part and Part 131 of this Chapter shall constitute compliance with State responsibilities under sections 208 and 303(e) of the Act and areawide responsibilities under section 208 of the Act.

(g) The term "State planning area" means that area of the State that is not designated pursuant to section 208(a) (2), (3), or (4) of the Act. State planning areas are to be identified in the planning process description that is submitted by the State for approval by the Regional Administrator. Depending upon the requirement being considered, the State planning area may be subdivided into "approved planning areas" that may include the entire State or portions of the State defined by hydrologic, political, or other boundaries.

(h) The term "designated areawide planning area" means all areas designated pursuant to section 208(a) (2), (3), or (4) of the Act and § 130.13.

(i) The term "State planning agency" means that State agency designated pursuant to section 208(a)(6) of the Act and § 130.12(a).

(j) The term "designated areawide planning agency" means that agency designated in accordance with section 208(a) (2), (3), or (4) of the Act.

(k) The term "effluent limitation" means any restriction established by a State or the Administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into navigable water, waters of the contiguous zone, or the oceans.

(l) The term "schedule of compliance" means in reference to point and nonpoint sources of pollutants, a sequence of actions or operations leading to compliance with applicable effluent limitations, other limitations, prohibitions, practices, or standards which are contained in a National Pollutant Discharge Elimination System permit or in a State permit or other regulatory program which is legally binding on the owner or operator of the source.

(m) The term "target abatement dates" means:

(1) For point sources, a sequence of actions or control measures which have not yet been formally adopted through the permit process.

(2) For nonpoint sources, a sequence of remedial measures, actions, or operations which have not been formally adopted through implementation of management or regulatory programs established pursuant to approved State water quality management plans, or portions thereof.

(n) The term "National Pollutant Discharge Elimination System" means the national permitting system authorized under section 402 of the Act, including any State permit program which has been approved by the Administrator pursuant to section 402 of the Act.

(o) The term "segment" means a portion of an approved planning area, the surface waters of which have common hydrologic characteristics (or flow regulation patterns); common natural physical, chemical and biological characteristics and processes; and common reactions to external stresses, such as the discharge of pollutants. Segments will be classified as either a water quality segment or an effluent limitation segment as follows:

(1) *Water quality segment.* Any segment where it is known that water quality does not meet applicable water quality standards and/or is not expected to meet applicable water quality standards even after the application of the effluent limitations required by sections

301(b)(1)(B) and 301(b)(2)(A) of the Act.

(2) *Effluent limitation segment.* Any segment where it is known that water quality is meeting and will continue to meet applicable water quality standards or where there is adequate demonstration that water quality will meet applicable water quality standards after the application of the effluent limitations required by sections 301(b)(1)(B) and 301(b)(2)(A) of the Act.

(p) The term "significant discharge" means any point source discharge for which timely management action must be taken in order to meet the water quality objectives within the period of the operative water quality management plan. The significant nature of the discharge is to be determined by the State, but must include any discharge which is causing or will cause water quality problems.

(q) The term "Best Management Practices" (BMP) means a practice, or combination of practices, that is determined by a State (or designated areawide planning agency) after problem assessment, examination of alternative practices, and appropriate public participation to be the most effective, practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

(r) The term "residual wastes" means those solid, liquid, or sludge substances from man's activities in the urban, agricultural, mining and industrial environment remaining after collection and necessary treatment.

(s) The definitions of the terms contained in Section 502 of the Act shall be applicable to such terms as used in this part unless the context otherwise requires.

Subpart B—General Requirements

§ 130.10 Planning process requirements.

(a) The State and designated areawide planning agencies shall establish a planning process which provides for the establishment of necessary institutional arrangements and management programs to make and implement coordinated decisions designed to achieve water quality goals and standards. The planning process shall include:

(1) Public participation during plan development, review, and adoption in accordance with section 101(e) of the Act and in accordance with Part 105 of this Chapter;

(2) Adequate intergovernmental input in the development and implementation of water quality management plans as described in § 130.17;

(3) The coordination and integration of the water quality management planning in State planning areas and in designated areawide planning areas as described in § 130.33, and coordination of water quality management planning with related Federal, State, interstate, and local comprehensive, functional, and other developmental planning activities, including land use and other natural resources planning activities, as described in § 130.34;

(4) The preparation, adoption, and revision, of water quality management plans for the appropriate areas and waters within the State that fulfill the requirements contained in Part 131 of this Chapter;

(5) The establishment and implementation of regulatory programs identified in approved water quality management plans prepared pursuant to Part 131 of this Chapter;

(b) In addition to the requirements of § 130.10(a), the State agency planning process shall provide for the following:

(1) The development, review and adoption of water quality standards in accordance with § 130.17(a) and with section 303(c) (1) and (2) of the Act;

(2) The development, adoption and implementation of a Statewide policy on antidegradation, consistent with the criteria identified in § 130.17(d);

(3) The review, and certification of plans for designated areawide planning areas as required pursuant to § 130.33; and

(4) The annual preparation of the State strategy as described in Subpart C of this part.

(c) The description of the State planning process that is to be submitted by the Governor pursuant to § 130.40(b) shall contain, as a minimum, the following:

(1) A description of how each of the requirements specified in § 130.10 (a) and (b) will be achieved.

(2) A listing(s) and a map(s) of the State showing proposed State planning areas in which planning is to be conducted by the State pursuant to this part and Part 131 of this Chapter and a listing(s) and a map(s) showing those areawide planning areas that have been designated or are expected to be designated (including a timetable for designation) under section 208(a) (2), (3), or (4) of the Act in which planning is to be conducted by areawide planning agencies pursuant to § 130.13.

(3) A listing(s) and map(s) of the State showing each segment and its classification.

(4) A State/EPA agreement on the level of detail and the schedule for preparation of State water quality management plans as described in § 130.11.

(5) A schedule for review and revision, where necessary, of water quality standards and for development and adoption of a Statewide policy on antidegradation, together with a schedule of milestones which includes proposed dates for public hearings on the revisions and antidegradation policy. The schedule shall provide that the water quality standards and the antidegradation policy will be reviewed and revised in ample time to be used as a basis for 1977–1983 management and regulatory decisions.

(6) The identification of the State planning agency designated pursuant to § 130.12(a).

(7) A listing of the areawide planning agencies that have been designated by the Governor or the identification of areawide planning agencies that will be designated by the Governor (including a timetable for designation) to perform planning in areawide planning areas designated pursuant to section 208(a)(2) or (3) of the Act and § 130.13(b).

(8) A description of the State's management program to oversee water quality management planning conducted by designated areawide planning agencies, including the monitoring of progress and accomplishment of key milestones specified in the areawide planning agency's work plans, and to otherwise assure timely and meaningful State involvement in the areawide planning process.

(9) A listing of the delegations made pursuant to § 130.14(a) to the agency or agencies that will perform the planning under this part and Part 131 of this Chapter.

(10) A listing of proposed representatives on the policy advisory committee(s) established in accordance with § 130.16(c) for each approved planning area.

(11) A statement that legal authorities required at the local and/or State levels to prepare, adopt, and implement State water quality management plans as required by the planning process exist or will be sought.

§ 130.11 Agreement on level of detail and timing of State water quality management plan preparation.

(a) The appropriate level of detail and timing of State water quality management plan preparation for each proposed State planning area will depend on the water quality problems of the area and the water quality decisions to be made, and shall be established by agreement between the State and the Regional Administrator, after appropriate public participation pursuant to § 130.40.

(b) The agreement shall include an indication of those proposed State planning areas, or portions thereof, wherein the State, with supporting data, certifies that particular water quality and/or source control problems do not exist or are not likely to develop within the timeframe of the plan and, therefore that certain types of planning and implementation will not be undertaken.

(c) The agreement shall provide a sequence for phasing of planning at the appropriate level of detail and in sufficient time to meet the 1983 national water quality goal specified in section 101(a)(2) of the Act, consistent with the provisions of § 130.17. The agreement should assure the orderly integration of applicable past and present planning efforts (including designated areawide planning) with the planning efforts and needs established in this part and Part 131 of this Chapter. The agreement shall define the State's priorities for the development of State water quality management plans, or portions thereof, pursuant to the process and shall be consistent with projected planning resources; provided that initial State and

areawide water quality management plans shall be completed, adopted, certified, and submitted to the Regional Administrator in accordance with § 130.20 no later than November 1, 1978.

§ 130.12 Designation of State planning agency.

(a) The Governor shall designate, in accordance with § 130.10(c)(6), a State planning agency to be responsible for the conduct and coordination of the required planning under this part and Part 131 of this Chapter.

(b) Although the State planning agency designated pursuant to § 130.12 (a) may delegate portions of its responsibilities to other State, Federal, local, or interstate agencies in accordance with § 130.14, the State planning agency shall assure that each element of the State's approved planning process is achieved.

§ 130.13 Designation of areawide planning areas and agencies.

(a) The Governor(s) shall identify areawide planning areas pursuant to section 208(a)(2) or (3) of the Act which, as a result of urban-industrial concentrations or other factors, have substantial water quality control problems. A substantial water quality control problem will be deemed to exist when water quality has been or may be degraded to the extent that existing or desired designated water uses are impaired or precluded and when the water quality control problem is complex.

(NOTE: In approving such designations of areawide planning areas, the Administrator will give preference to areas of urban-industrial concentration.)

(b) The Governor(s) shall, after consultation with appropriate elected and other officials of local governments having jurisdiction in those areas identified in accordance with § 130.13(a), designate areawide planning areas provided that:

(1) The affected general purpose or other appropriate units of local government within the boundaries of the areawide planning area have in operation a coordinated waste treatment management system, or show their intent, through a demonstrated effort to obtain and submit resolutions of intent from those governmental units believed to be critical in the planning and implementation of the areawide 208 plan.

(NOTE: In those cases where it is not possible to obtain the necessary resolutions of intent, the Governor, in the designation process, must stipulate that the authorities of the State will be used to assure adequate compliance with the planning and management process requirements of section 208 of the Act.)

(2) The affected units of local govment have legal authority to enter into agreements for coordinated wastewater management in compliance with section 208 of the Act.

(3) The water quality problem for the area is not associated with a water pollution control problem for which the State has pre-empted areawide planning pursuant to section 208(b)(4) of the Act.

(c) The Governor(s) shall designate a single representative organization capable of developing effective areawide plans in accordance with section 208 of the Act for each area designated pursuant to § 130.13(b). Each areawide planning agency shall:

(1) Be a representative organization whose membership shall include, but need not be limited to, elected officials of local governments or their designees having jurisdiction in the designated areawide planning area;

(2) Have waste treatment planning jurisdiction in the entire designated areawide planning area;

(3) Have the capability to have the water quality management planning process fully underway no later than one year after approval of the designation;

(4) Have the capability to complete the initial water quality management plan no later than two years after the planning process is in operation; and

(5) Have established procedures for adoption, review, and revision of plans and resolution of major issues, including procedures for public participation in the planning process.

(d) The procedures for designating areawide planning areas and agencies shall be as follows:

(1) Within 60 days after these regulations become effective, the Governor shall:

(i) After communication with chief elected officials of local or regional general purpose units of government in areas not yet designated, identify areas and agencies which he determines to be eligible for designation pursuant to § 130.13 (b) and (c).

(ii) Notify the chief elected officials of local or regional general purpose units of governments of those areawide planning areas and agencies he intends to designate pursuant to § 130.13(d)(1)(i) and request their comments and recommendations.

(2) In areas where the chief elected officials feel that the Governor acted inappropriately in his determination of eligible areas and agencies pursuant to § 130.13(d)(1)(i), such officials may petition the Governor for reconsideration of his determination.

(3) Within 150 days after these regulations become effective and after consideration of recommendations of chief elected officials of local or regional general purpose units of government, the Governor shall:

(i) Hold public meetings or hearings in those areas where he intends to designate an areawide planning area and agency.

(ii) Hold public meetings or hearings in those areas where chief elected officials request designation, but the Governor does not intend to designate.

(iii) Submit his final determination on designations to be made to the Regional Administrator. A record of the public meetings or hearings pursuant to § 130.13 (d)(3)(i) and (ii) shall be made available to the Regional Administrator and the public on request.

(NOTE: The Governor may allow self-designation by chief elected officials of local or regional general purpose units of government pursuant to section 208(a)(4) of the Act. In those cases where the Governor allows a self-designation, the chief elected officials shall submit the request for designation to the Regional Administrator pursuant to § 130.13 (e) or (f).)

(4) The designation procedures set forth in § 130.13(d)(1), (2), and (3) may be waived by the Regional Administrator where he determines that the initial designation process required pursuant to section 208(a) of the Act resulted in the designation of all areas and agencies in the State that meet the criteria set forth in § 130.13 (b) and (c).

(5) The identification and designation of interstate areas shall be in accordance with the provisions of § 130.13 (a) through (d) provided, however, that appropriate interstate agencies shall be consulted, and the designation shall be the joint action of the Governors of all the affected States.

(e) Within 150 days after these regulations become effective, for each areawide planning area and agency to be designated during FY 1976, the Governor shall provide the following information to the Regional Administrator:

(1) An exact description of the boundaries of each area including a statement relating the boundaries of any area to the boundaries of the SMSA(s) contained within or contiguous to the area or, for those areas not within a SMSA, a statement relating the boundaries of the area to the nearest SMSA, and a statement indicating:

(i) Population of the area;

(ii) Nature of the concentration and distribution of industrial activity in the area;

(iii) Degree to which it is anticipated that the area could improve its ability to control water quality problems were it designated as an areawide planning area; and

(iv) Factors responsible for designation of the areawide planning area as described in § 130.13(a).

(2) Identification and supporting analysis of each water quality segment included in each area, as identified pursuant to § 130.10(c)(3).

(3) For each area a copy of the charter of existing regional waste treatment management agencies or formally adopted resolutions, if available, which demonstrate that the general purpose units of local government involved will join together in the planning process to develop and implement a plan which will result in a coordinated waste treatment management system for the area. The resolutions shall also state that all applications for grants for construction of a publicly owned treatment works will be consistent with the approved plan and will be made only by the designated management agency.

(4) For each area, the name, address, and official contact for the agency designated to carry out the planning.

(5) A statement on the factors considered in agency designation as described in § 130.13(c).

(6) A summary of public participation in accordance with the requirements set forth in Part 105 of this Chapter.

(f) For areawide planning areas and agencies to be designated after FY 1976, the information received by § 130.13(e) shall be submitted at a later date to be established by the Administrator.

(g) The Regional Administrator and the Administrator shall review each submission pursuant to § 130.13 (e) and (f) to determine compliance with the Act and the criteria set forth in § 130.13 (a) through (d).

(h) Upon completion of his review, the Administrator shall publish notice in the FEDERAL REGISTER and shall notify in writing the appropriate Governor(s) of his approval. The effective date of designation is the date of the Administrator's approval of each designation. In the event that the Administrator disapproves any of the designations, he shall specify his reasons with his notice of disapproval.

(i) The appropriate Governor(s) may from time to time designate additional areawide planning areas and agencies. In such cases, approval of the designation shall be at the discretion of the Administrator, taking into account its consistency with the State continuing planning process. The Administrator will also take into account the ability of any such designated areawide planning agency to develop and submit the areawide plan no later than November 1, 1978.

§ 130.14 Delegation of planning responsibilities.

(a) The State planning agency designated pursuant to § 130.12(a) may delegate responsibility, with the approval of the Regional Administrator, to other State, Federal, local, or interstate agencies for the conduct, where appropriate, of any portion of the State's required water quality management planning under this part and Part 131 of this Chapter.

(NOTE: The States are encouraged particularly to delegate water quality management planning responsibilities to Federal agencies where those agencies express a willingness to accept delegation of State planning responsibilities and possess adequate capability and resources to undertake such planning.)

(b) Locally elected officials of major general purpose units of government, and other pertinent local and areawide organizations within the jurisdiction of a proposed local or interstate planning agency, shall be consulted prior to any delegation of planning responsibility to an agency made pursuant to § 130.14 (a).

(c) Each delegation of planning responsibility to an agency made pursuant to § 130.14(a) of this section shall include:

(1) The agency's name, address, and name of the director; and

(2) The agency's jurisdiction (geographical coverage and extent of planning responsibilities).

(d) In the event that responsibility for preparation of a portion of a State water quality management plan is delegated pursuant to § 130.14(a) to an agency other than the State water pollution control agency, evidence from such other agency shall be supplied which shows acceptance of such delegation of planning responsibility and the agency's capability and intent to comply with the time schedules set forth in the planning process and to develop a plan, or portion thereof, consistent with the laws of the respective State, the requirements of this part, Part 131 of this Chapter, and the Act.

(e) The State planning agency may make additional delegations, as set forth in this section, from time to time. Such delegations shall be accomplished by revising the planning process as provided in § 130.43.

§ 130.15 Designation of management agencies.

(a) Upon completion and submission of a water quality management plan, the Governor shall designate Federal, State, interstate, regional, or local agency(ies) appropriate to carry out each of the provision(s) of the water quality management plan(s).

(b) In the event the State or designated areawide planning agency determines that cooperation from a Federal agency(ies) is required to carry out certain provisions of the plan, the State or designated areawide planning agency shall identify such Federal agency and seek cooperation in accordance with § 130.35.

(c) The Governor may designate a specific agency(ies) to begin implementing an approved portion(s) of the water quality management plan(s) prior to completion of the plan(s).

(d) The Regional Administrator shall accept and approve all designated management agency(ies) unless, within 120 days of a designation, he finds that, the agency(ies) does not have adequate authority, including the requirement that statutory and regulatory provisions required to implement the plan be adopted by the date of plan approval by the Regional Administrator, and capability, as required in § 131.11(0)(2) of this Chapter, to accomplish its assigned responsibilities under the plan. The Regional Administrator shall approve, conditionally approve or disapprove such management agency designations in accordance with the same procedures to be used in approving water quality management plans (see § 131.21 of this Chapter).

(e) The Regional Administrator may withdraw his approval made pursuant to § 130.15(d) in the event that a designated management agency(ies) fails to implement the provision(s) of an approved water quality management plan for which the agency(ies) is assigned responsibility.

§ 130.16 Intergovernmental cooperation and coordination.

(a) The process shall assure that adequate and appropriate areawide and local planning results will be included in the development and implementation of water quality management plans for the State.

(b) Local governments within the State are to be encouraged to utilize existing, or develop, appropriate institutional or other arrangements with local governments in the same State in the development and implementation of water quality management plans, or portions thereof.

(c) The State shall provide a mechanism for meaningful and significant results from local, State, interstate, and Federal units of government. As an element of this mechanism, a policy advisory committee(s) shall be established to advise the responsible planning or implementing agency during the development and implementation of the plan on broad policy matters, including the fiscal, economic, and social impacts of the plan. Use of existing policy advisory committees is encouraged; however as a minimum, this policy advisory committee shall include a majority membership of representatives of chief elected officials of local units of government.

(NOTE: The Regional Administrator may, at the request of a State, agree to a lesser percentage of representation on the policy advisory committee from chief elected officials of local units of government provided there is no substantial disagreement with such a request from the affected local jurisdictions. Any proposal for lesser representation should consider the elements of planning that are being conducted and the traditional local role or interest in the activities covered by the planning.)

(d) The policy advisory committee for designated areawide planning areas shall include representatives of the State and public and may include representatives of the U.S. Departments of Agriculture, Army, and the Interior, and such other Federal and local agencies as may be appropriate in the opinion of EPA, the State(s), and the designated areawide planning agency.

(e) The State shall provide for interstate cooperation (and where necessary, in conjunction with and under the direction of appropriate Federal agencies should provide for international cooperation) whenever a plan involves the interests of more than one State. When a water quality management plan or portion of a plan is under development or is being implemented in the State for an area affecting or affected by waters of one or more other States, the State shall cooperate and coordinate with each such other State in the development and implementation of the water quality management plan pertinent to such area. EPA will provide assistance, upon request, to assure the appropriate cooperation and coordination between other States and Federal agencies.

§ 130.17 Water quality standards.

(a) The State shall hold public hearings for the purpose of reviewing water quality standards and shall adopt revisions to water quality standards, as appropriate, at least once every three years and submit such revisions to the appro-

priate Regional Administrator pursuant to section 303(c) of the Act.

(b) The water quality standards of the State shall:

(1) Protect the public health or welfare, enhance the quality of water and serve the purposes of the Act;

(2) Specify appropriate water uses to be achieved and protected, taking into consideration the use and value of water for public water supplies, propagation of fish, shellfish, and wildlife, recreation purposes, and agricultural, industrial, and other purposes, and also taking into consideration their use and value for navigation; and

(3) Specify appropriate water quality criteria necessary to support those water uses designated pursuant to § 130.17(b)(2).

(c) In reviewing and revising its water quality standards pursuant to § 130.17(a), the State shall adhere the following principles:

(1) The State shall establish water quality standards which will result in the achievement of the national water quality goal specified in section 101(a)(2) of the Act, wherever attainable. In determining whether such standards are attainable for any particular segment, the State should take into consideration environmental, technological, social, economic, and institutional factors.

(2) The State shall maintain those water uses which are currently being attained. Where existing water quality standards specify designated water uses less than those which are presently being achieved, the State shall upgrade its standards to reflect the uses actually being attained.

(3) At a minimum, the State shall maintain those water uses which are currently designated in water quality standards, effective as of the date of these regulations or as subsequently modified in accordance with § 130.17(c)(1) and (2). The State may establish less restrictive uses than those contained in existing water quality standards, however, only where the State can demonstrate that:

(i) The existing designated use is not attainable because of natural background;

(ii) The existing designated use is not attainable because of irretrievable man-induced conditions; or

(iii) Application of effluent limitations for existing sources more stringent than those required pursuant to section 301(b)(2)(A) and (B) of the Act in order to attain the existing designated use would result in substantial and widespread adverse economic and social impact.

(4) The State shall take into consideration the water quality standards of downstream waters and shall assure that its water quality standards provide for the attainment of the water quality standards of downstream waters.

(d) The Regional Administrator shall approve or disapprove any proposed revisions of water quality standards in accordance with the provisions of section 303(c)(2) of the Act.

(e) The State shall develop and adopt a Statewide antidegradation policy and identify the methods for implementing such policy pursuant to § 130.10(b)(2). The antidegradation policy and implementation methods shall, at a minimum, be consistent with the following:

(1) Existing instream water uses shall be maintained and protected. No further water quality degradation which would interfere with or become injurious to existing instream water uses is allowable.

(2) Existing high quality waters which exceed those levels necessary to support propagation of fish, shellfish and wildlife and recreation in and on the water shall be maintained and protected unless the State chooses, after full satisfaction of the intergovernmental coordination and public participation provisions of the State's continuing planning process, to allow lower water quality as a result of necessary and justifiable economic or soical delevolpment. In no event, however, may degradation of water quality interfere with or become injurious to existing instream water uses. Additionally, no degradation shall be allowed in high quality waters which constitute an outstanding National resource, such as waters of National and State parks and wildlife refuges and waters of exceptional recreational or ecological significance. Further the State shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and feasible management or regulatory programs pursuant to section 208 of the Act for nonpoint sources, both existing and proposed.

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

Subpart C—Requirements for State Strategy

§ 130.20 State strategy; contents and submission.

(a) Based on current water quality conditions, evaluation of program achievement to date, water quality management plans developed under this part and Part 131 of this Chapter (including basin water quality management plans), and the annual EPA guidance (described in Subpart B of Part 35 of this Chapter), each State shall prepare and update annually a State strategy for preventing and controlling water pollution over a five-year period. The strategy shall contain:

(1) A Statewide assessment of water quality problems and the causes of these problems.

(NOTE: This assessment may be based on the water quality analysis used to prepare the State's report required under Section 305(b) of the Act. Once the water quality assessment pursuant to § 131.11(b) of this Chapter and the nonpoint source assessment pursuant to § 131.11(d) of this Chapter are developed, the Statewide assessment of water quality problems and causes of these problems should be based on the plan assessments. Such assessments should then be reflected in the State's annual report under section 305(b) of the Act.)

(2) A ranking of each segment based on the Statewide assessment of water quality problems.

(3) An overview of the State's approach to solving its water quality problems identified in paragraph (b)(1) of this section, including a discussion of the extent to which nonpoint sources of pollution will be addressed by the State program.

(4) A year-by-year estimate of the financial resources needed to conduct the program in the State, by major program element (as defined in Subpart B of Part 35 of this Chapter).

(5) A listing of the priorities and scheduling of the State's water quality management plan preparation and implementation, areawide plans, and other appropriate program actions to carry out § 130.20(a)(4).

(6) A brief summary of the State monitoring strategy (described in Appendix A to Subpart B of Part 35 of this Chapter).

(b) The State strategy shall be submitted annually as part of the annual State program submission pursuant to § 35.555 of this Chapter.

Subpart D—Relationship of Planning Process and Other Programs

§ 130.30 Relationship to monitoring and surveillance program.

(a) The State shall assure that an appropriate monitoring program will be established in accordance with provisions of Appendix A to Subpart B of Part 35 of this Chapter.

(b) The process shall provide that each water quality management plan shall be based upon the best available monitoring and surveillance data to determine the relationship between instream water quality and sources of pollutants and, where practicable, to determine the relationship between disposal of pollutants on land and groundwater quality.

(c) In areas where a State or designated areawide planning agency determines that a groundwater pollution or contamination problem exists or may exist from the disposal of pollutants on land, or in subsurface excavations, the State or designated areawide planning agency, to support the establishment of controls or procedures to abate such pollution or contamination as identified in § 131.11 (j)-(l) of this Chapter, shall conduct (or the State shall require to be conducted by the disposing person), a monitoring survey or continuing program of monitoring to determine present or potential effects of such disposal, where such disposal is not prohibited. Groundwater monitoring conducted under this paragraph shall be coordinated with groundwater monitoring programs established pursuant to the Safe Drinking Water Act (Pub. L. 93-523).

§ 130.31 Relationship to municipal facilities program.

(a) Before awarding initial grant assistance for any project for any treatment works under section 201(g) of the

Act, where an applicable State water quality management plan, or relevant portion thereof, has been approved in accordance with this part and Part 131 of this Chapter, the Regional Administrator shall determine, pursuant to section 208(d) of the Act, that the applicant for such grant is the appropriate designated management agency approved by the Regional Administrator pursuant to § 130.15.

(b) Before approving a Step II or Step III grant for any project for any treatment works under section 201(g) of the Act, the Regional Administrator shall determine, pursuant to § 35.925-2 of this Chapter, that such works are in conformance with any applicable State water quality management plan or relevant portion thereof, approved by the Regional Administrator in accordance with this part and Part 131 of this Chapter.

(c) The Regional Administrator may elect not to approve a grant for any municipal treatment works under section 201(g) of the Act where an incomplete or a disapproved water quality management plan does not provide an adequate assessment of the needs and priorities for the area in which the project is located, consistent with the Act's planning requirements.

(d) The Regional Administrator and the State, through the agreement described in § 130.11, shall assure that planning under this part and Part 131 of this Chapter related to any municipal treatment works is accomplished in a timely manner, consistent with State priorities for construction of such municipal treatment works.

§ 130.32 Relationship to National Pollutant Discharge Elimination System.

(a) State participation in the National Pollutant Discharge Elimination System pursuant to section 402(b) of the Act shall not be approved for any State which does not have a continuing planning process approved by the Regional Administrator pursuant to § 130.41.

(b) Approval of State participation in the National Pollutant Discharge Elimination System pursuant to section 402 (b) of the Act may be withdrawn in accordance with the provisions of section 402(c)(3) of the Act and § 124.93 of this Chapter from any State if approval of the continuing planning process is withdrawn pursuant to § 130.42.

(c) No permit under section 402 of the Act shall be issued for any point source which is in conflict with a plan approved by the Regional Administrator in accordance with this part and Part 131 of this Chapter, provided however, that no such permit shall be deemed to be in conflict with any provision of such plan or portion thereof, hereafter approved, which relates specifically to the discharge for which the permit is proposed, unless the State has provided the owner or operator of the discharge and the interested public with notice and the opportunity to appeal such provision.

§ 130.33 Relationship of State and designated areawide planning programs.

(a) The State planning agency designated by the Governor pursuant to § 130.12(a) is responsible for assuring that the requirements of section 208 of the Act, this part, and Part 131 of this Chapter are achieved Statewide.

(NOTE: Where a designated areawide planning agency fails to achieve the requirements of section 208 of the Act, this part or Part 131 of this Chapter, the State planning agency is responsible for assuring that such requirements are achieved in the designated areawide planning area.)

(b) In order to assure that designated areawide planning agencies achieve the requirements specified in § 130.33(a) in a timely manner and that such agencies conduct planning that is consistent with planning developed by the State, the State planning agency designated pursuant to § 130.12(a) is expected to provide leadership and support to designated areawide planning agencies and to monitor progress of such agencies.

(c) Designated areawide planning under section 208 of the Act shall be incorporated in the water quality management plan for the State. The State planning agency shall provide the review and certification of such designated areawide planning pursuant to § 131.20(f) of this Chapter prior to formal incorporation into the State's water quality management plan.

§ 130.34 Relationship to other local, State, and Federal planning programs.

(a) The process shall assure that State water quality management plans are coordinated, and shall describe the relationship with plans for designated areawide planning areas within the State, with planning required in adjacent States under section 208 of the Act, with affected State, local, and Federal programs, and with other applicable resource and developmental planning including:

(1) State and local land use and development programs.

(2) Activities stemming from applicable Federal resource and developmental programs including:

(i) The Solid Waste Disposal Act, as amended (Pub. L. 91-512).

(ii) The Safe Drinking Water Act (Pub. L. 93-523).

(iii) The Clean Air Act, as amended (Pub. L. 91-604).

(iv) The Coastal Zone Management Act (Pub. L. 92-583).

(v) The Watershed Protection and Flood Protection Act (Pub. L. 83-566).

(vi) The Rural Development Act of 1972 (Pub. L. 92-419).

(vii) The Land and Water Conservation Fund Act, as amended (Pub. L. 88-578).

(viii) The National Historic Preservation Act (Pub. L. 89-665).

(ix) The Fish Restoration Act (Pub. L. 81-681) and the Federal Aid in Wildlife Restoration Act (Pub. L. 75-415).

(x) The Endangered Species Act (Pub. L. 93-205).

(xi) Wastewater Management Urban Studies Programs administered by the U.S. Army Corps of Engineers (Pub. L. 685, 1938, Pub. L. 429, 1913).

(xii) Transportation Planning administered by the Department of Transportation (Pub. L. 87-866, Pub. L. 93-366, Pub. L. 93-503).

(xiii) The Housing and Community Development Act of 1974 (Pub. L. 93-383).

(xiv) Other Federally assisted planning and management programs.

(b) Approved section 201 facilities plans are to be considered detailed portions of the water quality management plan(s) providing in-depth analysis of specific municipal and storm drainage related water quality problems. The State or areawide planning agency is responsible for assuring compatibility of 201 facilities planning with the State or areawide water quality management plan.

(c) In the event that a "Level B" study (as required under section 209 of the Act) is underway or has been completed, the State or designated areawide planning agency shall consider the following outputs of the study, and where appropriate, provide for integration of the outputs with the water quality management plan(s):

(1) Existing and projected future water withdrawals and consumptive demand over a 20-year period.

(2) Facilities and management measures to be undertaken to meet demands on the water supply program.

(3) The effects of the water supply program on water quality.

(4) Impact of authorized water development measures.

(5) Identification of proposed or designated wild and scenic stream reaches.

(6) Watershed management and land treatment measures.

(7) Energy development and production related factors.

(d) In the event that a "Level B" plan has not been initiated, the State or designated areawide planning agency shall identify the appropriate constraints on water quality management which would be brought about by:

(1) Current and projected future (20-year period) water demands.

(2) Designated and desired wild and scenic river segments.

(3) Energy development and production factors.

§ 130.35 Planning requirements for Federal properties, facilities or activities.

(a) Pursuant to section 313 of the Act and Presidential Executive Order Number 11752, Federal properties, facilities or activities are required to be in compliance with State, interstate, and local substantive requirements respecting control and abatement of pollution to the same extent that any person is subject to such requirements.

(b) Federal agencies shall cooperate and give support to State or designated areawide planning agencies in the for-

mulation and implementation of water quality management plans relating to Federal properties, facilities or activities and land areas contiguous with Federally-owned lands.

(c) The Regional Administrator shall assist in coordination of substantive planning requirements for Federal properties, facilities or activities between the appropriate State and Federal agency (ies).

(d) Disputes or conflicts between Federal agencies and State, interstate, or local agencies in matters affecting the application of or compliance with an applicable requirement for control and abatement of pollution shall be mediated by EPA. In such cases, if attempted mediation is unsuccessful the matter will be referred to the Office of Management and Budget under provisions of Executive Order 11752.

Subpart E—State Planning Process Adoption, Approval and Revisions Procedures; Separability

§ 130.40 Adoption and submission of State process description.

(a) The description of the State continuing planning process developed pursuant to § 130.10(c) or revisions to the description of the State continuing planning process made pursuant to § 130.43 shall be adopted as the official continuing planning process of the State after appropriate public participation in accordance with section 101(e) of the Act and with Part 105 of this Chapter.

(b) The Governor shall submit the adopted State continuing planning process description to the Regional Administrator for approval. Subsequent revisions to the continuing planning process description, however, shall be submitted as a part of the State program submittal pursuant to § 35.555 of this Chapter.

(c) Submission shall be accomplished by delivering to the Regional Administrator the adopted planning process description, as specified in § 130.10(c) of this part, and a letter from the Governor notifying the Regional Administrator of such action.

§ 130.41 Review and approval or disapproval of State process.

(a) The Regional Administrator shall approve, conditionally approve, or disapprove, the State planning process description submitted pursuant to § 130.40 of this part within 30 days after the date of receipt, as follows:

(1) If the Regional Administrator determines that the State planning process conforms with the requirements of the Act and this part, he shall approve the process and so notify the Governor by letter.

(2) If the Regional Administrator determines that the State planning process fails to conform with the requirements of the Act and this part, he shall either conditionally approve or disapprove the process and so notify the Governor by letter and shall state:

(i) The specific revisions necessary to obtain approval of the process; and

(ii) The time period for resubmission of the revised process or portions thereof.

(b) The Regional Administrator shall not approve any State continuing planning process description which will not result in timely State water quality management plans that conform with the applicable requirements of the Act and Part 131 of this Chapter for all areas within the State.

§ 130.42 Withdrawal of approval of State process.

Substantial failure of any plan or plans prepared pursuant to the approved State planning process to conform with applicable requirements of this part and Part 131 of this Chapter, including gross failure to comply with the schedule for State water quality management plan preparation, may indicate that the planning process by which such plan or plans were developed was deficient and shall be revised. Failure to accomplish necessary revisions of the State planning process may result in withdrawal of approval of part or all of the process.

§ 130.43 Review and revisions of State process.

(a) The State shall review annually its continuing planning process and shall revise the process as may be necessary to assure the development and maintenance of a State strategy and State program for preventing and controlling water pollution, based on current State and areawide water quality management plans which will accomplish national water quality objectives in conformity with the requirements of the Act.

(b) In addition to any other necessary revisions identified by the State or the Regional Administrator, the Governor shall submit, within 150 days after these regulations become effective, whatever revisions to the planning process description are necessary to insure conformity with this part.

(c) Subsequent revisions to the planning process description shall be submitted by the State as a part of the State program submittal pursuant to § 35.555 of this Chapter.

§ 130.44 Separability.

If any provision of this part, or the application of any provision of this part to any person or circumstance, is held invalid, the application of such provision to other person or circumstance, and the remainder of this part, shall not be affected thereby.

[FR Doc.75-32012 Filed 11-26-75;8:45 am]

[FRL 461-5]

PART 131—PREPARATION OF WATER QUALITY MANAGEMENT PLANS

On July 16, 1975, notice was published in the FEDERAL REGISTER, 40 FR 29887, proposing amendments to the policies and procedures for the preparation of water quality management basin plans (40 CFR Part 131) pursuant to Section 303(e) of the Federal Water Pollution Control Act Amendments of 1972; Pub. L. 92-500, 86 Stat. 816 (1972); 33 U.S.C. 1251 et. seq. (hereinafter referred to as the Act). Part 130 of this Chapter has also been amended. The amendments are in accordance with a Court Order issued by Judge John Lewis Smith, Jr., in Natural Resources Defense Council, et. al. v. Train, et. al., D.C. D.C. Civ. Act. No. 74-1485, which stipulates that Section 208 planning must be conducted by the States in all areas that are not designated in accordance with Section 208 (a) (2) through (4) of the Act.

Sections 303(e) and 208 of the Act require State and designated areawide planning agencies to have a continuing planning process which is consistent with the Act. State water quality management plans are to be prepared in accordance with the State's continuing planning process submitted and approved pursuant to Part 130 of this Chapter.

These amended regulations describe the requirements for preparation of water quality management plans and the procedures governing plan adoption, submission, revision, and EPA approval. These regulations now specifically include the provisions for the State as well as areawide water quality management planning responsibilities under Section 208 of the Act and are designed to assure that the plans prepared pursuant to this Part 131 will be appropriate for water quality management both in areas having complex water quality problems and in less complicated situations.

The primary objective of the water quality management plans will be to achieve the 1983 national water quality goal of the Act, where attainable. In those areas where the 1983 water quality goal may not be attainable, the plans shall identify the water quality goals to be achieved and, where necessary, provide appropriate information (such as wasteload allocation information) which may be relevant in making water quality related effluent limitation determinations pursuant to Section 302 of the Act.

The water quality management plan will serve as a management document which identifies the water quality problems of a particular basin or other approved planning areas and sets forth an effective management program to alleviate those problems and preserve water quality for all intended uses. Thus, development of the plans will involve an iterative process of establishing attainable water quality goals, identifying necessary controls and regulatory programs, and determining the resulting environmental, social, and economic impact.

EPA will prepare guidelines concerning the development of water quality management plans to assist the State and areawide planning agencies in carrying out the provisions of these regulations.

Written comments on the proposed rulemaking were invited and received from nearly 100 interested groups, including EPA Regional Offices, State and local governments, other Federal agencies, industrial organizations and special interest groups. In addition, verbal com-

ments were also obtained from representatives of State and local government. All written comments are on file with the Agency. Most of these comments have been adopted or substantially satisfied by editorial changes, deletions from, or additions to these regulations. The majority of substantive comments centered around the issues discussed below.

1. Timing of Plan Preparation.

Many of the comments received indicated that the November 1, 1978 deadline for plan submission was unrealistic. This deadline has not been changed due to the above mentioned Court Order which imposed a time schedule requiring "final submission to EPA of complete Section 208 plans for nondesignated areas no later than November 1, 1978."

The final regulations require the States to submit initial plans for the entire State (including areawide plans developed by designated areawide planning agencies) to EPA for final approval no later than November 1, 1978. Although the final regulations no longer require the States to submit plans for pre-adoption review, the regulations make it clear that areawide plans must be submitted to the States for certification and the State, in turn, must submit the certified areawide plans to EPA for approval within two years from the date the areawide planning process is in operation (and no later than November 1, 1978). Pre-adoption review of areawide plans by the State is required; pre-adoption review of plans for the entire State by EPA is encouraged although not required in order to assure a minimal amount of conflict once the plans are formally adopted.

2. Nonpoint Source Controls.

Many of the comments received indicated that planning for the management of nonpoint sources of pollution will be the most difficult and complex water quality control problem confronting the State and areawide planning agencies due to insufficient funding, manpower and technology.

Taking these insufficiencies into account, EPA, in conjunction with a number of State representatives, has developed a strategy for management of nonpoint sources of pollution as part of the third edition of the "Water Quality Strategy Paper". This strategy for nonpoint source management has been incorporated into the final regulations.

As discussed above, these regulations are issued in response to an Order of the District Court for the District of Columbia, and contain a provision for plan submission no later than November 1, 1978, as required by the Order of the Court. Given the limited amount of time for the plans to be completed, and the consequent need for both State and areawide agencies to move forward quickly to adjust their planning processes to these regulations, good cause is hereby found for making these regulations effective upon publication.

In consideration of the foregoing, 40 CFR Part 131 is hereby amended by deleting the existing part and substituting a new Part 131 to read as follows.

Dated: November 21, 1975.

RUSSELL E. TRAIN,
Administrator.

Subpart A—Scope and Purpose; Definitions

Sec.
131.1 Scope and purpose.
131.2 Definitions.

Subpart B—Plan Content Requirements

131.10 General requirements.
131.11 Plan content.

Subpart C—Plan Adoption, Approval, and Revision Procedures; Separability

131.20 Adoption, certification, and submission of plans.
131.21 Review and approval or disapproval of plans.
131.22 Review and revision of plans.
131.23 Separability.

AUTHORITY: Secs. 106, 208, 303(d), 303(e), 305(b), 314, 501, 516(b) of the Federal Water Pollution Control Act, as amended; Pub. L. 92-500, 86 Stat. 816 (1972); (33 U.S.C. 1251 et seq.).

Subpart A—Scope and Purpose; Definitions

§ 131.1 Scope and purpose.

(a) This part establishes regulations specifying procedural and other requirements for the preparation of water quality management plans and the establishment of regulatory programs designed to achieve the goal specified in Section 101(a)(2) of the Act. The water quality management plans and implementing programs are to be prepared and established by State planning agencies pursuant to Sections 208 and 303(e) of the Act and by designated areawide planning agencies pursuant to Section 208 of the Act.

(b) These regulations describe the requirements for State and designated areawide planning agency planning and implementation under Section 208 of the Act; water quality management plans developed by State and designated areawide planning agencies pursuant to this part and the implementation of these plans must comply fully with the requirements of Section 208 of the Act.

(c) A water quality management plan is a management document which identifies the water quality problems of a particular approved State planning area or designated areawide planning area and sets forth an effective management program to alleviate those problems and to achieve and preserve water quality for all intended uses. The value of the water quality management plan lies in its utility in providing a basis for making sound water quality management decisions and in establishing and implementing effective control programs. To achieve this objective, the detail of the water quality management plan(s) should provide the necessary analysis and information for management decisions. Moreover, there must be a flexible revision mechanism to reflect changing conditions in the area of consideration. A water quality management plan should be a dynamic management tool, rather than a rigid, static compilation of data and material. In addition, the plan should be as concise as possible, thereby minimizing unnecessary paperwork.

(d) A water quality management plan will provide for orderly water quality management by:

(1) Identifying Problems: assessing existing water quality, applicable water quality standards, point and nonpoint sources of pollution, and identifying constraints on the plan.

(2) Assessing Needs/Establishing Priorities: assessing water quality and abatement needs, including coordination with ongoing construction grant award and NPDES programs, and establishing priorities, including consideration of existing construction grant and NPDES requirements.

(3) Scheduling Actions: setting forth compliance schedules considering all existing schedules issued pursuant to construction grant awards and NPDES permits, and target abatement dates indicating necessary Federal, State, and local actions.

(4) Defining Regulatory Programs: describing existing State/local regulatory programs and defining necessary additional regulatory programs designed to achieve water quality standards and goals.

(5) Defining Management Agency Responsibilities: identifying management agency(ies), including implementing, regulatory and operational agencies, and setting forth specific responsibilities to carry out required actions within the approved planning area and to assure that water quality objectives are made a part of the land management process.

(6) Coordinating Planning and Management: coordinating developmental planning and management related to water quality in order to attain the objectives of the Act.

§ 131.2 Definitions.

The definitions set forth in § 130.2 of this Chapter shall apply to this Part 131.

Subpart B—Plan Content Requirements

§ 131.10 General requirements.

(a) This subpart describes the required content of water quality management plans to be prepared for each approved State planning area included in the State planning process submitted and approved pursuant to § 130.41 of this Chapter and for each area designated pursuant to Section 208(a)(2), (3), or (4) of the Act. The primary objective of the water quality management plans shall be to define the programs necessary to achieve the 1983 national water quality goal established in Section 101(a)(2) of the Act. The plans shall identify the controls, regulatory programs, and management agencies necessary to attain the water quality goals and the established State water quality standards.

(b) Water quality management plans shall be prepared for all areas and waters

of the State. Generally, water quality management planning elements will be the same throughout each State and designated areawide planning area. However, the level of detail required will vary according to the water quality problems (ranging from intensive planning in areas designated pursuant to Section 208(a)(2), (3), or (4) of the Act and in other areas with similar water quality problems, to essentially no planning in those areas where the State certifies that certain types of planning and implementation will not be undertaken pursuant to § 130.11(b) of this Chapter) and shall be established in the agreement between the State and the Regional Administrator (see § 130.11 of this Chapter) or in the work plan developed by the designated areawide agencies (see § 35.220 of this Chapter).

(c) The water quality management plans shall contain the information and analyses necessary for making sound water quality management decisions and for establishing and implementing effective control programs. Supportive data and calculations need not be included in the plans, but shall be made available to the Regional Administrator and the public upon request.

(d) Initial water quality management plans, or portions thereof, and subsequent refinements shall be prepared pursuant to the approved continuing planning process and submitted to the Regional Administrator in accordance with the State/EPA agreement described in § 130.11 of this Chapter or the work plan for designated areawide planning areas described in § 35.220 of this Chapter.

(e) Each water quality management plan shall incorporate appropriate information concerning other local, State and Federal planning as required under § 130.34 of this Chapter.

(f) Each water quality management plan shall include, where appropriate, a delineation of the relative priority of actions to be taken toward prevention and control of water pollution problems. Such priorities shall reflect the coordination of water quality management plans with other related planning programs including those identified in § 130.33 and § 130.34 of this Chapter.

(g) Water quality management planning elements shall include, but are not limited to:

(1) Planning boundaries (§ 131.11 (a)).

(2) Water quality assessment and segment classification (§ 131.11(b)).

(3) Inventories and projections (§ 131.11(c)).

(4) Nonpoint source assessment (§ 131.11(d)).

(5) Water quality standards (§ 131.11 (e)).

(6) Total maximum daily loads (§ 131.11(f)) [1].

(7) Point source load allocations (§ 131.11(g)) [1].

(8) Municipal waste treatment systems needs (§ 131.11(h)).

(9) Industrial waste treatment systems needs (§ 131.11(i)).

(10) Nonpoint source control needs (§ 131.11(j)).

(11) Residual waste control needs; land disposal needs (§ 131.11(k)).

(12) Urban and industrial stormwater needs (§ 131.11(l)).

(13) Target abatement dates (§ 131.11 (m)).

(14) Regulatory programs (§ 131.11 (n)).

(15) Management agencies (§ 131.11 (o)).

(16) Environmental, social, economic impact (§ 131.11(p)).

Except as otherwise provided in Part 131.11.

[1] Not necessary in effluent limitation segments.

§ 131.11 Plan content.

Recognizing that the level of detail may vary according to the water quality problems, the following elements shall be included in each water quality management plan unless a certification pursuant to § 130.11(b) of this Chapter provides otherwise:

(a) *Planning boundaries.* A delineation, on a map of appropriate scale, of the following: (1) The approved State planning areas included in the State planning process submitted and approved pursuant to § 130.41 of this Chapter and areawide planning areas designated pursuant to § 130.13 of this Chapter.

(2) Those areas in which facilities planning has been deemed necessary by the State pursuant to § 35.917-2 of this Chapter.

(3) The location of each water quality and effluent limitation segment identified in § 131.11(b)(2).

(4) The location of each significant discharger identified in § 131.11(c).

(5) The location of fixed monitoring stations.

(NOTE: Such monitoring station locations may be omitted if such locations are available in the EPA water quality information system).

(b) *Water quality assessment and segment classifications.* (1) An assessment of existing and potential water quality problems within the approved planning area or designated areawide planning area, including an identification of the types and degree of problems and the sources of pollutants (both point and nonpoint sources) contributing to the problems. The results of this assessment should be reflected in the State's report required under Section 305(b) of the Act.

(2) The classification of each segment as either water quality or effluent limitation as defined in § 130.2(o) of this Chapter.

(i) Segments shall include the surrounding land areas that contribute or may contribute to alterations in the physical, chemical, or biological characteristics of the surface waters.

(ii) Water quality problems generally shall be described in terms of existing or potential violations of water quality standards.

(iii) Each water quality segment classification shall include the specific water quality parameters requiring consideration in the total maximum daily load allocation process.

(iv) In the segment classification process, upstream sources that contribute or may contribute to such alterations should be considered when identifying boundaries of each segment.

(v) The classification of segments shall be based on measurements of instream water quality, where available.

(c) *Inventories and projections.* (1) An inventory of municipal and industrial sources of pollutants and a ranking of municipal sources which shall be used by the State in the development of the annual State strategy described in § 130.20 of this Chapter and the "project priority list" described in § 35.915(c) of this Chapter. The inventory shall include a description, by parameter, of the major waste discharge characteristics of each significant discharger of pollutants based on data from the National Pollutant Discharge Elimination System and the associated compliance monitoring systems, whenever available.

(2) A summary of existing land use patterns.

(3) Demographic and economic growth projections for at least a 20-year planning period disaggregated to the level of detail necessary to identify potential water quality problems.

(4) Projected municipal and industrial wasteloads based on § 131.11(c) (1) and (3).

(5) Projected land use patterns based on § 131.11(c) (2) and (3).

(d) *Nonpoint source assessment.* An assessment of water quality problems caused by nonpoint sources of pollutants.

(1) The assessment shall include a description of the type of problem, an identification of the waters affected (by segment or other appropriate planning area), an evaluation of the seriousness of the effects on those waters, and an identification of nonpoint sources (by category as defined in § 131.11(j)) contributing to the problem.

(2) Any nonpoint sources of pollutants originating outside a segment which materially affect water quality within the segment shall be considered.

(3) The results of this assessment should be reflected in the States' report required under Section 305(b) of the Act.

(e) *Water quality standards.* The applicable water quality standards, including the Statewide antidegradation policy, established pursuant to Section 303(a), (b), and (c) of the Act and any plans for the revision of such water quality standards.

(f) *Total maximum daily loads.* (1) For each water quality segment, or appropriate portion thereof, the total allowable maximum daily load of relevant pollutants during critical flow conditions for each specific water quality criterion being violated or expected to be violated.

(i) Such total maximum daily loads shall be established at levels necessary to achieve compliance with applicable water quality standards.

(ii) Such loads shall take into account:

(A) Provision for seasonal variation; and

(B) Provision of a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality.

(2) For each water quality segment where thermal water quality criteria are being violated or expected to be violated, the total daily thermal load during critical flow conditions allowable in each segment.

(i) Such loads shall be established at a level necessary to assure the protection and propagation of a balanced, indigenous population of fish, shellfish, and wildlife.

(ii) Such loans shall take into account:

(A) Normal water temperature;

(B) Flow rates;

(C) Seasonal variations;

(D) Existing sources of heat input; and

(E) The dissipative capacity of the waters within the identified segment.

(iii) Each estimate shall include an estimate of the maximum heat input that can be made into the waters of each segment where temperature is one of the criteria being violated or expected to be violated and shall include a margin of safety which takes into account lack of knowledge concerning the development of thermal water quality criteria for protection and propagation of fish, shellfish and wildlife in the waters of the identified segments.

(3) For each water quality segment, a total allocation for point sources of pollutants and a gross allotment for nonpoint sources of pollutants.

(i) A specific allowance for growth shall be included in the allocation for point sources and the gross allotment for nonpoint sources.

(ii) The total of the allocation for point sources and the gross allotment for nonpoint sources shall not exceed the total maximum daily load.

(4) Where predictive mathematical models are used in the determination of total maximum daily loads, an identification and brief description of the model, and the specific use of the model.

(NOTE: Total maximum daily loads shall not be determined by designated areawide planning agencies except where the State has delegated such responsibility to the designated agency. In those cases where the responsibility has not been delegated, the State shall determine total maximum daily loads for the designated areawide planning area).

(5) No point source load allocation developed pursuant to this section shall be less stringent than effluent limitations standards, or prohibitions required to be established pursuant to Sections 301, 302, 304, 306, 307, 311, and 316 of the Act.

(g) *Point source load allocations.* (1) For each water quality segment, the individual load allocation for point sources of pollutants, including thermal load allocations, for the next five-year period of the plan.

(NOTE: In those segments where water quality standards are established at levels less stringent than necessary to achieve the 1983 water quality goals specified in Section 101(a)(2) of the Act, the Regional Administrator may request the State to provide appropriate information, such as wasteload allocation information which may be relevant in making water quality related effluent limitation determinations pursuant to Section 302 of the Act).

(2) The total of such pollutant load allocations or effluent limitations for all individual point sources in the water quality segment shall not exceed the total allocation for the five-year period for all point sources of pollutants for each segment determined pursuant to § 131.11 (f)(3).

(3) Each pollutant load allocation established pursuant to this paragraph shall incorporate an allowance for anticipated economic and population growth over at least a five-year period and an additional allowance reflecting the precision and validity of the method used in determining such allowance.

(4) Establishment of pollutant load allocations shall be coordinated with the development of terms and conditions of permits under the National Pollutant Discharge Elimination System and with any hearings pursuant to Section 302 and 316(a) of the Act relating to a source discharging to or otherwise affecting the segment.

(NOTE: Point source load allocations shall not be determined by designated areawide planning agencies except where the State has delegated such responsibility to the designated agency. In those cases where the responsibility has not been delegated, the State shall determine point source load allocations for the designated areawide planning area).

(h) *Municipal waste treatment systems needs.* (1) The municipal wastewater collection and treatment system needs by 5-year increments, over at least a 20-year period including an analysis of alternative waste treatment systems, requirements for and general availability of land for waste treatment facilities and land treatment and disposal systems, total capital funding required for construction, and a program to provide the necessary financial arrangements for the development of such systems.

(2) The identification of municipal waste treatment systems needs shall take into consideration:

(i) Load reductions needed to be achieved by each waste treatment system in order to attain and maintain applicable water quality standards and effluent limitations.

(ii) Population or population equivalents to be served, including forecasted growth or decline of such population over at least a 20-year period following the scheduled date for installation of the needed facility.

(iii) The results of preliminary and completed planning conducted under Step I and Step II grants pursuant to Title II of the Act.

(NOTE: In the absence of the Title II planning described above, the State is expected to develop the necessary estimates and analyses required under § 131.11(h)(1)).

(i) *Industrial waste treatment systems needs.* (1) The anticipated industrial point source wasteload reductions required to attain and maintain applicable water quality standards and effluent limitations for at least a 20-year planning period (in 5-year increments).

(2) Any alternative considerations for industrial sources connected to municipal systems should be reflected in the alternative considerations for such municipal watse treatment system.

(j) *Nonpoint source control needs.* (1) For each category of nonpoint sources of pollutants to be considered in any specified area as established in the State/EPA agreement (see § 130.11 of this Chapter), an identification and evaluation of all measures necessary to produce the desired level of control through application of best management practices (recognizing that the application of best management practices may vary from area to area depending upon the extent of water quality problems).

(2) The evaluation shall include an assessment of nonpoint source control measures applied thus far, the period of time required to achieve the desired control (see § 131.11(m)), the proposed regulatory programs to achieve the controls (see § 131.11(n)), the management agencies needed to achieve the controls (see § 131.11(o)), and the costs by agency and activity, presented by 5-year increments, to achieve the desired controls, and a description of the proposed actions necessary to achieve such controls.

(3) The nonpoint source categories shall include: (i) Agriculturally related nonpoint sources of pollution including runoff from manure disposal areas, and from land used for livestock and crop production;

(ii) Silviculturally related nonpoint sources of pollution;

(iii) Mine-related sources of pollution including new, current and abandoned surface and underground mine runoff;

(iv) Construction activity related sources of pollution;

(v) Sources of pollution from disposal on land in wells or in subsurface excavations that affect ground and surface water quality;

(vi) Salt water intrustion into rivers, lakes, estuaries and groundwater resulting from reduction of fresh water flow from any cause, including irrigation, obstruction, groundwater extraction, and diversion; and

(vii) Sources of pollution related to hydrologic modifications, including those caused by changes in the movement, flow, or circulation of any navigable waters or groundwaters due to construction and operation of dams, levees, channels, or flow diversion facilities.

(NOTE: Nonpoint source control needs need not be determined by designated areawide planning agencies where the Governor has determined pursuant to Section 208(b)(4)

of the Act that the State will develop nonpoint source control requirements on a Statewide basis.)

(k) *Residual waste control needs; land disposal needs.* (1) An identification of the necessary controls to be established over the disposition of residual wastes which could affect water quality and a description of the proposed actions necessary to achieve such controls.

(2) An identification of the necessary controls to be established over the disposal of pollutants on land or in subsurface excavations to protect ground and surface water quality and a description of the proposed actions necessary to achieve such controls.

(NOTE: Residual waste control needs need not be determined by designated areawide planning agencies where the Governor has determined pursuant to Section 208(b)(4) of the Act that the State will develop residual waste control requirements pursuant to Section 208(b)(2) (J) and (K) on a Statewide basis.)

(l) *Urban and industrial stormwater systems needs.* (1) An identification of the required improvements to existing urban and industrial stormwater systems, including combined sewer overflows, that are necessary to attain and maintain applicable water quality standards.

(2) An identification of the needed urban and industrial stormwater systems for areas not presently served over at least a 20-year planning period (in 5-year increments) that are necessary to attain and maintain applicable water quality standards, emphasizing appropriate land management and other nonstructual techniques for control of urban and industrial stormwater runoff.

(3) A cost estimate for the needs identified in (1) and (2) above, the reduction in capital construction costs brought about by nonstructural control measures, and any capital and annual operating costs of such facilities and practices.

(m) *Target abatement dates.* Target abatement dates or schedules of compliance for all significant dischargers, nonpoint source control measures, residual and land disposal controls, and stormwater system needs, including major interim and final completion dates, and requirements that are necessary to assure an adequate tracking of progress toward compliance.

(n) *Regulatory programs.* (1) A description of existing State/local regulatory programs which are being or will be utilized to implement the State water quality management plan. The description shall include the regulatory approach to be employed, the statutory basis for the program, and relevant administrative and financial program aspects.

(2) A description of necessary additional State/local regulatory programs to be established in order to implement the State water quality management plan. The description shall include the proposed regulatory approach, the necessary legislation, and anticipated administrative and financial capabilities.

(3) The regulatory programs described in § 131.11(n) (1) and (2) should generally take full advantage of existing legislative authorities and administrative capabilities. However, such programs shall assure that:

(i) To the extent practicable, waste treatment management including point and nonpoint source management shall be on a Statewide and/or an areawide basis and provide for the control or abatement of all sources of pollution including inplace or accumulated deposits of pollutants;

(ii) The location, modification and construction of any facilities, activities, or substantive changes in use of the lands within the approved planning area, which might result in any new or deleterious discharge directly or indirectly into navigable waters are regulated; and

(iii) Any industrial or commercial wastes discharged into any publicly owned treatment works meet applicable pretreatment requirements.

(o) *Management agencies.* (1) The identification of those agencies recommended for designation by the Governor pursuant to § 130.15 of this Chapter to carry out each of the provisions of the water quality management plan. The identification shall include those agencies necessary to construct, operate and maintain all treatment works identified in the plan and those agencies necessary to implement the regulatory programs described in § 131.11(n).

(2) Depending upon an agency's assigned responsibilities under the plan, the agency must have adequate authority and capability:

(i) To carry out its assigned portions of an approved State water quality management plan(s) (including the plans developed for areawide planning areas designated pursuant to Section 208(a) (2), (3), or (4) of the Act) developed under this part;

(ii) To effectively manage waste treatment works and related point and nonpoint source facilities and practices serving such area in conformance with the approved plan;

(iii) Directly or by contract, to design and construct new works, and to operate and maintain new and existing works as required by any approved water quality management plan developed under this part;

(iv) To accept and utilize grants or other funds from any source for waste treatment management or nonpoint source control purposes;

(v) To raise revenues, including the assessment of user charges;

(vi) To incur short and long term indebtedness;

(vii) To assure, in implementation of an approved water quality management plan, that each participating community pays its proportionate share of related costs;

(viii) To refuse to receive any wastes from a municipality or subdivision thereof, which does not comply with any provision of an approved water quality management plan applicable to such areas; and

(ix) To accept for treatment industrial wastes.

(p) *Environmental, social, economic impact.* An assessment of the environmental, social, and economic impact of carrying out the plan.

Subpart C—Plan Adoption, Approval, and Revision Procedures; Separability

§ 131.20 Adoption, certification, and submission of plans.

(a) During development and prior to formal adoption, the State and designated areawide water quality management plans or portions thereof, shall be the subject of appropriate public participation in accordance with Section 101(e) of the Act and with Part 105 of this Chapter requiring public participation in all phases of the water quality management plan development.

(1) The goal of the public participation is to involve the public in the formulation of the plan, including the determination of the planning goals, and to develop public support that will ultimately lead to acceptance and implementation of the plan.

(Note: Beyond continuing participation in the development of the plan, a more structured opportunity for public meetings or hearings should be provided at key points in the process.)

(2) State and designated areawide planning agencies may delegate public participation activities to appropriate governmental units within the planning area.

(b) Designated areawide planning agencies shall submit areawide water quality management plans, for review and recommendations to the Governor, or his designee, and to chief elected officials of local units of government that have responsibility for or are directly affected by the plan prior to formal submission of the plan for the Governor's certifications pursuant to § 131.120(f).

(1) The Governor, or his designee, shall provide for timely review and comment in order to minimize potential objections once the plan is formally submitted to the Governor for the certifications. Concurrence with a designated areawide water quality management plan at the time of the review by the Governor, or his designee, will not substitute for formal certifications by the Governor pursuant to § 131.20(f) after the plan has been the subject of further public participation.

(2) In the event that a local unit of government fails to provide a recommendation within 30 days of receipt of the plan for review and comment prior to formal submission to the Governor, or his designee, a favorable recommendation on adoption of the plan shall be assumed.

(c) The State planning agency shall submit State water quality management plans for review and recommendations, to appropriate chief elected officials of local units of government that have responsibility for or are directly affected by the plan prior to formal adoption of the plan by the State pursuant to § 131.20(h).

(d) The State is encouraged (although not required) to submit the water quality management plan(s) for State and designated areawide planning areas to the Regional Administrator for review prior to formally adopting the plan(s). The Regional Administrator shall provide for timely review and comment in order to minimize potential objections once the plan is formally adopted by the State pursuant to § 131.20(h). Concurrence with a water quality management plan at the time of any pre-adoption review will not substitute for approval by the Regional Administrator pursuant to § 131.21 after the plan has been the subject of further public participation and formally adopted by the State.

(e) After comments and recommendations are received from the Governor, or his designee, and from chief elected officials of local units of government pursuant to §131.20(b), designated areawide planning agencies shall submit the areawide water quality management plans, or portions thereof, to the Governor, or his designee for final review and formal adoption and certification.

(f) The Governor, or his designee, shall review areawide water quality management plans, or portions thereof, submitted by designated areawide planning agencies.

(1) The Governor shall certify that the State has reviewed the plan and:

(i) Has found the plan to be in conformance with the provisions of the approved planning process for the State, including State water quality management plans prepared pursuant to the process, and that the plan will be accepted as a detailed portion of the water quality management plans of the State;

(ii) Has found the plan to be consistent with the water quality management needs of the area;

(iii) Has found the plan to be in conformance with all State and local legislation, regulations, or other requirements or plans regarding land use and protection of the environment, except for those cases where the plan specifically recommends changing such legislation, regulations, or other appropriate requirements;

(iv) Has found that the plan provides adequate basis for selection of management agencies to be designated pursuant to § 130.15(a) of this Chapter and Section 208(c) of the Act; and

(v) Has adopted the plan as the State's official water quality management plan for the designated areawide planning area pursuant to § 131.20(h).

(2) The procedures set forth in § 131.20 (f)(1) shall be followed by intrastate and interstate designated areawide planning agencies, except where the plan has been developed by an interstate agency, the plan shall be submitted to the Governor, or his designee, of the State which includes the largest portion of the designated area's population. The Governor, or his designee, shall coordinate the plan review and certification process with all other affected States.

(g) If the Governor determines that the water quality management plan for the designated areawide planning area fails to conform with the requirements of the Act, this part, or the approved work plan of the designated areawide planning agency is not consistent with contiguous water quality management plans including those of neighboring States, he shall either conditionally certify or not certify the plan and so notify the Regional Adminstrator and the designated areawide planning agency by letter and shall state:

(1) The specific revisions necessary to obtain full certification of the water quality management plan; and

(2) The time period for submission of necessary revisions to the water quality management plan or portions thereof.

(h) Each State and areawide water quality management plan, or portion thereof, shall be adopted as the official water quality management plan(s) of the State. Each adopted water quality management plan shall include assurances and a certification by the Governor that the plan is the official water quality management plan for the area covered by such plan, that the plan will be implemented and used for establishing permit conditions, nonpoint source controls, schedules of compliance and priorities for awarding grants for construction of municipal treatment works pursuant to Section 201(g) of the Act, and that the plan meets all applicable requirements of the Act, this part, and Part 130 of this Chapter.

(i) The Governor shall submit adopted water quality management plans to the Regional Administrator, together with a summary of public participation in the development and adoption of the plan (required by Section 101(e) of the Act and Part 105 of this Chapter) and a letter from the Governor notifying the Regional Administrator of such action. Such plans shall be submitted in accordance with the following schedule:

(1) Water quality management plans for the entire State shall be submitted to the Regional Administrator no later than November 1, 1978.

(2) Water quality management plans for designated areawide planning areas shall be submitted no later than two years from the date that the planning process is in operation (pursuant to § 35.222-1 of this Chapter) and no later than November 1, 1978.

(j) Portions of the plan (interim outputs), developed in accordance with the requirements of Parts 130 and 131 may be adopted, certified, and submitted during the development of the plan and approved in the same manner as a plan under § 131.21.

(k) At the time of submission, the Governor shall identify those modifications, if any, that need to be made, as a result of the plan, to the agreement between EPA and a State under Part 124 of this Chapter.

§ 131.21 Review and approval or disapproval of plans.

The Regional Administrator shall approve, conditionally approve or disapprove the water quality management plan, or portion thereof, submitted pursuant to § 131.20(i) or (j) within 120 days after the date of receipt, as follows:

(a) If the Regional Administrator determines that the water quality management plan conforms with the requirements of the Act, this part, and the approved continuing planning process (including compliance with any State/EPA agreement or designated areawide planning agency work plans) and is consistent with contiguous water quality management plans, including those of neighboring States, he shall approve the plan and so notify the Governor or his designee by letter.

(b) If the Regional Administrator determines that the water quality management plan fails to conform with the requirements of the Act, this part, or the approved continuing planning process (including compliance with any State/EPA agreements or designated areawide planning agency work plans) or is not consistent with contiguous water quality management plans including those of neighboring States, he shall either conditionally approve or disapprove the plan and so notify the Governor or his designee by letter and shall state:

(1) The specific revisions necessary to obtain full approval of the water quality management plan; and

(2) The time period for submission of necessary revisions to the water quality management plan or portions thereof.

(c) Where water quality management plans involving interstate waters are found to be inconsistent, the Regional Administrator shall notify the Governor of each concerned State of the specific areas of inconsistency and the specific revision(s) necessary to eliminate such inconsistency.

§ 131.22 Review and revision of plans.

(a) As a minimum, the State or designated areawide planning agency shall review, and if necessary revise, each water quality management plan at least annually. The Regional Administrator may request specific plan revisions. The water quality management plan shall be revised such that it remains a meaningful and current water quality management document.

(b) Minor revisions, particularly those which incorporate updated information but do not involve substantive change, may be submitted directly to the Regional Administrator by the State planning agency designated under § 130.10 (c) (6) of this Chapter.

(NOTE: Minor revisions to plans for designated areawide planning areas shall be submitted to the State planning agency, which in turn shall incorporate such revisions in the Statewide plan and notify the Regional Administrator of the revisions).

(c) Changes to the water quality management plan(s) which result from a determination by the Administrator or the State, as appropriate, pursuant to Sections 301(c), 302, or 316 of the Act, an amendment to the Act, or an adjudicatory or judicial proceeding, shall be incorporated into a revised plan. Such revisions need not be subject to formal public participation, adoption, certification and submission, unless the Regional Administrator determines that the revision is of a substantive nature.

(d) Revisions of a substantive nature shall be subject to formal public participation, certification, adoption, and submission as well as review and approval procedures described in § 131.20 and § 131.21. The Regional Administrator may waive requirements for public participation and other formal revision procedures where he determines that such requirements have been met as a result of other proceedings conducted pursuant to the Act and other EPA regulations.

§ 131.23 Separability.

If any provision of this part, or the application of any provision of this part to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this part, shall not be affected thereby.

[FR Doc.75-32013 Filed 11-26-75;8:45 am]

☆U.S. GOVERNMENT PRINTING OFFICE: 1975—210-810:73

NOAA COASTAL SERVICES CTR LIBRARY
3 6668 14110588 4