permits or load allocations for best management practices (BMPs); water pollution problems identified during the development of the section 304(l) "long list;" and national policies and priorities such as those identified in EPA's Annual Operating Guidance.

The proposed amendments would have established a new paragraph (b)(7) requiring that a priority ranking be established for water quality-limited waters. However, as one commenter noted, this requirement also appeared in existing § 130.7(b)(1) which was not proposed to be changed. EPA feels that it would be redundant to include this requirement twice in its regulations, as proposed. Today's action moves the existing reference to priority ranking in paragraph 130.7(b)(1) to new 130.7(b)(4) where the identification of waters targeted for TMDL development in the next two years is discussed.

Although this priority ranking requirement is not new, many commenters indicated that the requirements for it were not clear. One commenter specifically requested a clarification of the existing requirement for submission to EPA of the priority ranking. Therefore, to satisfy the priority ranking requirement of section 303(d), to clarify the submission requirement, and to ensure that States proceed with the development of TMDLs for their water quality-limited waters, EPA, in paragraph (b)(4) of today's action, is requiring a priority ranking of all water quality-limited waters still requiring TMDLs and the identification of those water quality-limited waters that have been targeted through priority ranking to have TMDLs developed in the next two years. The waters targeted for TMDL development should be highlighted within the list of water quality-limited waters to be submitted every two years coincident with the section 305(b) report.

iii. *Identification of pollutants.* The existing regulations at § 130.7(b)(1)(iii) require that States "shall identify the pollutants causing or expected to cause violations of the water quality standards" for water quality-limited segments still requiring TMDLs. Today's amendments do not change this requirement. To identify water quality-limited waters that still require TMDLs, the particular pollutant causing the problem will usually be known. However, pollutants include both individual chemicals and characteristics such as nutrients, BOD, or toxicity. Moreover, many waters do not meet standards due to non-chemical problems, such as siltation. Therefore, EPA recommends the use of the existing cause classification system used in the section 305(b) water quality reporting process to identify pollutants causing water quality standards' exceedances in segments still requiring TMDLs.

EPA recommends that the States use the "cause categories" described in the "Guidelines for the Preparation of the 1992 State Water Quality Assessment (section 305(b)) Report" or the most recent guidelines issued by EPA for the section 305(b) report. The WBS provides for both the identification of specific water bodies as well as fields for identifying causes. While the cause categories in the WBS include both general and specific pollutants such as pesticides, priority organics, metals, ammonia, chlorine, and thermal modification, there is a mechanism for States to develop additional categories for such parameters as chromium, lead, trichloroethylene, specific habitat alterations, contaminated sediments, etc., as desired.

In the January 12, 1989 proposed amendments, a separate paragraph (b)(8) was proposed that duplicated the existing requirement at paragraph (b)(1) of section 130.7 to identify pollutants (which in today's actions has been moved to paragraph (b)(4)). One commenter indicated that this was redundant. EPA agrees. Therefore, in today's actions the proposed paragraph (b)(8) has been deleted.

iv. *Biennial listing.* EPA proposed a requirement for the submission of the section 303(d) list to EPA biennially within the water quality report required by section 305(b) of the CWA. The proposal also would have required the biennial identification of point sources discharging toxic pollutants to those waters where water quality problems are due entirely or substantially to point source discharges of toxic pollutants. Under today's final action the States have a choice to submit the section 303(d) list to EPA as a part of the section 305(b) report or separately with the section 305(b) report. In addition, there is no requirement for the identification and listing of point sources discharging toxic pollutants to those waters where such discharges are entirely or substantially causing the water quality problem.

Many States supported the proposed amendments that would have required States to submit their section 303(d) lists of waters in their biennial section 305(b) reports. Some commenters, however, disagreed with the biennial reporting for the following reasons:

(1) The level of effort would be similar to the level required for the section 304(l) list and therefore would be an excessive amount of work to be done every two years;

(2) Since the section 305(b) report is a vehicle some States use to generate support for and greater awareness of water quality programs, it is an inappropriate vehicle to specifically list point sources; and

(3) The inclusion of point sources would be a major departure from previous section 305(b) reports which focused on overall state water quality.

In response to these comments, EPA has lightened the reporting burden somewhat by eliminating from the final section 303(d) rule the requirement for multiple lists and the listing of point sources of toxic pollutants. In addition, EPA has decided to provide flexibility to those States that may wish to separate their section 303(d) lists from the section 305(d) reports. Under today's rule, States may include the section 303(d) lists in the section 305(b) reports or may submit them at the same time as the section 305(b) reports but under separate cover.

v. *Applicable standard definition.* In the January 1989 proposed rule EPA defined the term "applicable standard" for listing waters impacted by point source discharges of toxic pollutant as a numeric criterion for a toxic pollutant within State water quality standards or, where a State numeric criterion for a toxic pollutant is not established in State water quality standards, the State's narrative water quality standards interpreted by applying the EPA national water quality criteria on a chemical-by-chemical basis. This definition was also proposed for the section 304(l) listing requirement, and a modified version of it was ultimately promulgated under § 130.10(d) for the development of section 304(l) lists.

Forty-seven comments addressed this issue. Several commenters pointed out that this definition of applicable standard is not valid for listing under section 303(d) of the CWA. Section 303(d) requires the States to identify all impaired waters regardless of whether the impairment is due to toxic pollutants, other chemicals, heat, habitat, or other problems. The proposed definition for applicable standards deals only with the toxic pollutants. Generally, the commenters disagreed with the proposed requirement for interpreting narrative criteria, especially by "applying EPA national water quality criteria on a chemical-by-chemical basis." One commenter argued that narrative water quality criteria interpreted on a chemical-by-chemical basis would exclude those waters that are biologically impaired and that this