

Current Temporary Standards Language In TSWQS - §307.2(g)

*Below is the current language regarding temporary standards from the Texas Surface Water Quality Standards (TSWQS) (Title 30, Chapter 307 of the Texas Administrative Code). Language in **bold** is EPA approved. Un-bolded text was revised during the 2018 revision and is currently under EPA review. Therefore, un-bolded text is not yet approved for Clean Water Act purposes.*

(g) Temporary standards. Where a criterion or designated use is not attained and cannot be attained for one or more of the reasons listed in 40 Code of Federal Regulations (CFR) §131.10(g), or to facilitate restoration or reconfiguration activities that preclude the attainment of the designated use or criterion, then a temporary standard for specific water bodies or permittees may be adopted in §307.10 of this title as an alternative to changing uses.

(1) A temporary standard identifies the interim numerical criteria or use that applies during the existence of the temporary standard.

(2) **A temporary standard must be adopted in accordance with the provisions of subsection (d)(3) of this section.** Once adopted, a temporary standard is the applicable standard for the purposes of developing wastewater discharge permit limits and issuing certifications specified in the federal Clean Water Act, §401 and Chapter 279 of this title (relating to Water Quality Certification).

(3) **Specific reasons and additional procedures for justifying a temporary standard are provided in the Procedures to Implement the Texas Surface Water Quality Standards (RG-194).** A temporary standard must identify the water body or permittee to which the temporary standard applies. **A temporary standard does not exempt any discharge from compliance with applicable technology-based effluent limits.**

(4) A temporary standard must be reevaluated every five years at a minimum, which may be conducted through the permit process or a triennial review of the Texas Surface Water Quality Standards.

(5) The term of a temporary standard is expressed as an interval of time from the date of EPA approval or a specific date cited in the temporary standard. If the continuance of a temporary standard is sufficiently justified, it can be renewed during revisions of the Texas Surface Water Quality Standards. **When a temporary standard expires, subsequent discharge permits are issued to meet the applicable existing water quality standards.**

(6) A temporary standard cannot be established that would impair an existing use.

(h) **Effective date of standards.** Except as provided in 40 CFR §131.21 (EPA review and approval of water quality standards), this chapter becomes effective 20 days after the date the chapter is filed in the Office of the Secretary of State. As to actions covered by 40 CFR §131.21, the rules become effective upon approval by EPA.