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| | |
|---|-----------|
| Brush Creek | Class III |
| Buckhorn Creek | Class III |
| Cache Creek | Class III |
| Canteen Creek | Class I |
| Capoose Creek | Class III |
| Cobbs Creek | Class III |
| Columbia River from Chief Joseph Dam to Wells Dam. | |
| Columbia River from northern Reservation boundary to Grand Coulee Dam (Roosevelt Lake). | |
| Columbia River from Grand Coulee Dam to Chief Joseph Dam. | |
| Cook Creek | Class I |
| Cooper Creek | Class III |
| Cornstalk Creek | Class III |
| Cougar Creek | Class I |
| Coyote Creek | Class II |
| Deerhorn Creek | Class III |
| Dick Creek | Class III |
| Dry Creek | Class I |
| Empire Creek | Class III |
| Faye Creek | Class I |
| Forty Mile Creek | Class III |
| Gibson Creek | Class I |
| Gold Creek | Class II |
| Granite Creek | Class II |
| Grizzly Creek | Class III |
| Haley Creek | Class III |
| Hall Creek | Class II |
| Hall Creek, West Fork | Class I |
| Iron Creek | Class III |
| Jack Creek | Class III |
| Jerred Creek | Class I |
| Joe Moses Creek | Class III |
| John Tom Creek | Class III |
| Jones Creek | Class I |
| Kartar Creek | Class III |
| Kincaid Creek | Class III |
| King Creek | Class III |
| Klondyke Creek | Class I |
| Lime Creek | Class III |
| Little Jim Creek | Class III |
| Little Nespelem | Class II |
| Louie Creek | Class III |
| Lynx Creek | Class II |
| Manila Creek | Class III |
| McAllister Creek | Class III |
| Meadow Creek | Class III |
| Mill Creek | Class II |
| Mission Creek | Class III |
| Nespelem River | Class II |
| Nez Perce Creek | Class III |
| Nine Mile Creek | Class II |
| Nineteen Mile Creek | Class III |
| No Name Creek | Class II |
| North Nanamkin Creek | Class III |
| North Star Creek | Class III |
| Okanogan River from Reservation north boundary to Columbia River. | Class II |
| Olds Creek | Class I |
| Omak Creek | Class II |
| Onion Creek | Class II |
| Parmenter Creek | Class III |
| Peel Creek | Class III |
| Peter Dan Creek | Class III |
| Rock Creek | Class I |
| San Poil River | Class I |
| Sanpoil, River West Fork | Class II |
| Seventeen Mile Creek | Class III |

| | |
|------------------------------|-----------|
| Silver Creek | Class III |
| Sitdown Creek | Class III |
| Six Mile Creek | Class III |
| South Nanamkin Creek | Class III |
| Spring Creek | Class III |
| Stapaloop Creek | Class III |
| Stepstone Creek | Class III |
| Stranger Creek | Class II |
| Strawberry Creek | Class III |
| Swimptkin Creek | Class III |
| Three Forks Creek | Class I |
| Three Mile Creek | Class III |
| Thirteen Mile Creek | Class II |
| Thirty Mile Creek | Class II |
| Trail Creek | Class III |
| Twentyfive Mile Creek | Class III |
| Twentyone Mile Creek | Class III |
| Twentythree Mile Creek | Class III |
| Wannacot Creek | Class III |
| Wells Creek | Class I |
| Whitelaw Creek | Class III |
| Wilmont Creek | Class II |
| (2) Lakes: | |
| Apex Lake | LC |
| Big Goose Lake | LC |
| Bourgeau Lake | LC |
| Buffalo Lake | LC |
| Cody Lake | LC |
| Crawfish Lakes | LC |
| Camille Lake | LC |
| Elbow Lake | LC |
| Fish Lake | LC |
| Gold Lake | LC |
| Great Western Lake | LC |
| Johnson Lake | LC |
| LaFleur Lake | LC |
| Little Goose Lake | LC |
| Little Owhi Lake | LC |
| McGinnis Lake | LC |
| Nicholas Lake | LC |
| Omak Lake | SRW |
| Owhi Lake | SRW |
| Penley Lake | SRW |
| Rebecca Lake | LC |
| Round Lake | LC |
| Simpson Lake | LC |
| Soap Lake | LC |
| Sugar Lake | LC |
| Summit Lake | LC |
| Twin Lakes | SRW |

[54 FR 28625, July 6, 1989]

§ 131.36 Toxics criteria for those states not complying with Clean Water Act section 303(c)(2)(B).

(a) *Scope.* This section is not a general promulgation of the section 304(a) criteria for priority toxic pollutants but is restricted to specific pollutants in specific States.

(b)(1) EPA's Section 304(a) criteria for Priority Toxic Pollutants.

| A | | B | | C | | D | | |
|----|--------------------------|------------|---|--|---|--|--|-----------------------|
| # | Compound | CAS Number | Freshwater | | Saltwater | | Human Health (10 ⁻⁶ risk for carcinogens) For consumption of: | |
| | | | Criterion Maximum Conc. ^d (µg/L) | Criterion Continuous Conc. ^d (µg/L) | Criterion Maximum Conc. ^d (µg/L) | Criterion Continuous Conc. ^d (µg/L) | Water & Organisms (µg/L) | Organisms Only (µg/L) |
| | | | B1 | B2 | C1 | C2 | D1 | D2 |
| 1 | Antimony | 7440360 | 360 m | 190 m | 69 m | 36 m | 14 a | 4300 a |
| 2 | Arsenic | 7440382 | ..... | ..... | ..... | ..... | 0.018 abc | 0.14 abc |
| 3 | Beryllium | 7440417 | ..... | ..... | ..... | ..... | n | n |
| 4 | Cadmium | 7440439 | 3.7 e | 1.0 e | 42 m | 9.3 m | n | n |
| 5a | Chromium (III) | 16065831 | 15 m | 10 m | 1100 m | 50 m | n | n |
| b | Chromium (VI) | 18540299 | 17 e | 11 e | 2.4 m | 2.4 m | n | n |
| 6 | Copper | 7440508 | ..... | ..... | ..... | ..... | ..... | ..... |
| 7 | Lead | 7439921 | 65 e | 2.5 e | 2.10 m | 8.1 m | n | n |
| 8 | Mercury | 7439976 | 2.1 m | 0.012 ip | 1.8 m | 0.025 jp | 0.14 | 0.15 |
| 9 | Nickel | 7440020 | 1400 e | 160 e | 74 m | 8.2 m | 610 a | 4600 a |
| 10 | Selenium | 7782492 | 20 p | 5 p | 290 m | 71 m | n | n |
| 11 | Silver | 7440224 | 3.4 e | ..... | 1.9 m | ..... | ..... | ..... |
| 12 | Thallium | 7440280 | ..... | ..... | ..... | ..... | 1.7 a | 6.3 a |
| 13 | Zinc | 7440666 | 110 e | 100 e | 90 m | 81 m | 700 a | 220000 aj |
| 14 | Cyanide | 57125 | 22 | 5.2 | 1 | 1 | 7,000,000 fibers/L k | ..... |
| 15 | Asbestos | 1332214 | ..... | ..... | ..... | ..... | 0.000000013 c | 0.000000014 c |
| 16 | 2,3,7,8-TCDD (Dioxin) | 1746016 | ..... | ..... | ..... | ..... | 320 | 780 |
| 17 | Acrolein | 107028 | ..... | ..... | ..... | ..... | 0.059 ac | 0.66 ac |
| 18 | Acrylonitrile | 107131 | ..... | ..... | ..... | ..... | 1.2 ac | 71 ac |
| 19 | Benzene | 71432 | ..... | ..... | ..... | ..... | 4.3 ac | 360 ac |
| 20 | Bromoform | 75252 | ..... | ..... | ..... | ..... | 0.25 ac | 4.4 ac |
| 21 | Carbon Tetrachloride | 56235 | ..... | ..... | ..... | ..... | 680 a | 21000 aj |
| 22 | Chlorobenzene | 108907 | ..... | ..... | ..... | ..... | 0.41 ac | 34 ac |
| 23 | Chlorodibromomethane | 124481 | ..... | ..... | ..... | ..... | ..... | ..... |
| 24 | Chloroethane | 75003 | ..... | ..... | ..... | ..... | ..... | ..... |
| 25 | 2-Chloroethylvinyl Ether | 110758 | ..... | ..... | ..... | ..... | 5.7 ac | 470 ac |
| 26 | Chloroform | 67663 | ..... | ..... | ..... | ..... | 0.27 ac | 22 ac |
| 27 | Dichlorobromomethane | 75274 | ..... | ..... | ..... | ..... | ..... | ..... |
| 28 | 1,1-Dichloroethane | 75343 | ..... | ..... | ..... | ..... | ..... | ..... |
| 29 | 1,2-Dichloroethane | 107062 | ..... | ..... | ..... | ..... | 0.38 ac | 99 ac |
| 30 | 1,1-Dichloroethylene | 75354 | ..... | ..... | ..... | ..... | 0.057 ac | 3.2 ac |
| 31 | 1,2-Dichloropropane | 78875 | ..... | ..... | ..... | ..... | ..... | ..... |
| 32 | 1,3-Dichloropropylene | 542756 | ..... | ..... | ..... | ..... | 10 a | 1700 a |

| A | | B Freshwater | | C Saltwater | | D Human Health (10 ⁻⁶ risk for carcinogens) For consumption of: | | |
|----|---------------------------------------|-----------------|--|---|--|---|------------|--------------------------------|
| | | | | | | | | Water & Organisms (µg/L) |
| # | Compound | CAS Number | Criterion Maximum Conc. ^d (µg/L) | Criterion Continuous Conc. ^d (µg/L) | Criterion Maximum Conc. ^d (µg/L) | Criterion Continuous Conc. ^d (µg/L) | D1 | D2 |
| | | | B1 | B2 | C1 | C2 | | |
| 33 | Ethylbenzene | 100414 | ..... | ..... | ..... | ..... | 3100 a | 29000 a |
| 34 | Methyl Bromide | 74839 | ..... | ..... | ..... | ..... | 48 a | 4000 a |
| 35 | Methyl Chloride | 74873 | ..... | ..... | ..... | ..... | n | n |
| 36 | Methylene Chloride | 75092 | ..... | ..... | ..... | ..... | 4.7 ac | 1600 ac |
| 37 | 1,1,2,2- Tetrachloroethane | 79345 | ..... | ..... | ..... | ..... | 0.17 ac | 11 ac |
| 38 | Tetrachloroethylene | 127184 | ..... | ..... | ..... | ..... | 0.8 c | 8.85 c |
| 39 | Toluene | 108883 | ..... | ..... | ..... | ..... | 6800 a | 200000 a |
| 40 | 1,2-Trans-Dichloro- ethylene | 156605 | ..... | ..... | ..... | ..... | n | n |
| 41 | 1,1,1-Trichloroethane | 71556 | ..... | ..... | ..... | ..... | 0.60 ac | 42 ac |
| 42 | 1,1,2-Trichloroethane | 79005 | ..... | ..... | ..... | ..... | 2.7 c | 81 c |
| 43 | Trichloroethylene | 79016 | ..... | ..... | ..... | ..... | 2 c | 525 c |
| 44 | Vinyl Chloride | 75014 | ..... | ..... | ..... | ..... | 93 a | 790 aj |
| 45 | 2-Chlorophenol | 95578 | ..... | ..... | ..... | ..... | ..... | ..... |
| 46 | 2,4-Dichlorophenol | 120832 | ..... | ..... | ..... | ..... | ..... | ..... |
| 47 | 2,4-Dimethylphenol | 105679 | ..... | ..... | ..... | ..... | ..... | ..... |
| 48 | 2-Methyl-4,6- Dinitrophenol | 534521 | ..... | ..... | ..... | ..... | 13.4 | 765 |
| 49 | 2,4-Dinitrophenol | 51285 | ..... | ..... | ..... | ..... | 70 a | 14000 a |
| 50 | 2-Nitrophenol | 88755 | ..... | ..... | ..... | ..... | ..... | ..... |
| 51 | 4-Nitrophenol | 100027 | ..... | ..... | ..... | ..... | ..... | ..... |
| 52 | 3-Methyl-4-Chlorophenol | 59507 | ..... | ..... | ..... | ..... | ..... | ..... |
| 53 | Pentachlorophenol | 87865 | 20 f | 13 f | ..... | 7.9 | 0.28 ac | 8.2 acj |
| 54 | Phenol | 108952 | ..... | ..... | ..... | ..... | 21000 a | 4600000 aj |
| 55 | 2,4,6-Trichlorophenol | 88062 | ..... | ..... | ..... | ..... | 2.1 ac | 6.5 ac |
| 56 | Acenaphthene | 83329 | ..... | ..... | ..... | ..... | ..... | ..... |
| 57 | Acenaphthylene | 208968 | ..... | ..... | ..... | ..... | ..... | ..... |
| 58 | Anthracene | 120127 | ..... | ..... | ..... | ..... | 9600 a | 110000 a |
| 59 | Benzo(a)Anthracene | 92875 | ..... | ..... | ..... | ..... | 0.00012 ac | 0.00054 ac |
| 60 | Benzo(a)Anthracene | 56553 | ..... | ..... | ..... | ..... | 0.0028 c | 0.031 c |
| 61 | Benzo(a)Pyrene | 50328 | ..... | ..... | ..... | ..... | 0.0028 c | 0.031 c |
| 62 | Benzo(b)Fluoranthene | 205992 | ..... | ..... | ..... | ..... | 0.0028 c | 0.031 c |

| A | | B | | C | | D | | |
|------------------------------|--|------------|--|---|--|--|--------------------------------|-----------------------------|
| | | Freshwater | | Saltwater | | Human Health (10 ⁻⁶ risk for carcinogens) For consumption of: | | |
| # | Compound | CAS Number | Criterion Maximum Conc. ^d (µg/L) | Criterion Continuous Conc. ^d (µg/L) | Criterion Maximum Conc. ^d (µg/L) | Criterion Continuous Conc. ^d (µg/L) | Water & Organisms (µg/L) | Organisms Only (µg/L) |
| | | | B1 | B2 | C1 | C2 | D1 | D2 |
| 100 | Pyrene | 129000 | ..... | ..... | ..... | ..... | 960 a | 11000 a |
| 101 | 1,2,4-Trichlorobenzene .. | 120821 | ..... | ..... | ..... | ..... | ..... | ..... |
| 102 | Aldrin | 309002 | 3 g | ..... | 1.3 g | ..... | 0.00013 ac | 0.00014 ac |
| 103 | alpha-BHC | 319846 | ..... | ..... | ..... | ..... | 0.0039 ac | 0.013 ac |
| 104 | beta-BHC | 319857 | ..... | ..... | ..... | ..... | 0.014 ac | 0.046 ac |
| 105 | gamma-BHC | 58899 | 2 g | 0.08 g | ..... | ..... | 0.019 c | 0.063 c |
| 106 | delta-BHC | 319868 | ..... | ..... | ..... | ..... | ..... | ..... |
| 107 | Chlordane | 57749 | 2.4 g | 0.0043 g | 0.09 g | 0.004 g | 0.00057 ac | 0.00059 ac |
| 108 | 4,4'-DDT | 50293 | 1.1 g | 0.001 g | 0.13 g | 0.001 g | 0.00059 ac | 0.00059 ac |
| 109 | 4,4'-DDE | 72559 | ..... | ..... | ..... | ..... | 0.00059 ac | 0.00059 ac |
| 110 | 4,4'-DDD | 72548 | ..... | ..... | ..... | ..... | 0.00083 ac | 0.00084 ac |
| 111 | Dieldrin | 60571 | 2.5 g | 0.0019 g | 0.71 g | 0.0019 g | 0.00014 ac | 0.00014 ac |
| 112 | alpha-Endosulfan | 959988 | 0.22 g | 0.056 g | 0.034 g | 0.0087 g | 0.93 a | 2.0 a |
| 113 | beta-Endosulfan | 33213659 | 0.22 g | 0.056 g | 0.034 g | 0.0087 g | 0.93 a | 2.0 a |
| 114 | Endosulfan Sulfate | 1031078 | ..... | ..... | ..... | ..... | 0.93 a | 2.0 a |
| 115 | Endrin | 72208 | 0.18 g | 0.0023 g | 0.037 g | 0.0023 g | 0.76 a | 0.81 aj |
| 116 | Endrin Aldehyde | 7421934 | ..... | ..... | ..... | ..... | 0.76 a | 0.81 aj |
| 117 | Heptachlor | 76448 | 0.52 g | 0.0038 g | 0.053 g | 0.0036 g | 0.00021 ac | 0.00021 ac |
| 118 | Heptachlor Epoxide | 1024573 | 0.52 g | 0.0038 g | 0.053 g | 0.0036 g | 0.00010 ac | 0.00011 ac |
| 119 | PCB-1242 | 53469219 | ..... | 0.014 g | ..... | 0.03 g | ..... | ..... |
| 120 | PCB-1254 | 11097691 | ..... | 0.014 g | ..... | 0.03 g | ..... | ..... |
| 121 | PCB-1221 | 11104282 | ..... | 0.014 g | ..... | 0.03 g | ..... | ..... |
| 122 | PCB-1232 | 11141165 | ..... | 0.014 g | ..... | 0.03 g | ..... | ..... |
| 123 | PCB-1248 | 12672296 | ..... | 0.014 g | ..... | 0.03 g | ..... | ..... |
| 124 | PCB-1260 | 11096825 | ..... | 0.014 g | ..... | 0.03 g | ..... | ..... |
| 125a | PCB-1016 | 12674112 | ..... | 0.014 g | ..... | 0.03 g | ..... | ..... |
| 125b | Polychlorinated biphenyls (PCBs) ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| 126 | Toxaphene | 8001352 | 0.73 | 0.0002 | 0.21 | 0.0002 | 0.00017 q | 0.00017 q |
| Total Number of Criteria (h) |  | ..... | 24 | 29 | 23 | 27 | 85 | 84 |
| = | | | | | | | | |

FOOTNOTES

a. Criteria revised to reflect current agency q_1^* or RfD, as contained in the Integrated Risk Information System (IRIS). The fish tissue bioconcentration factor (BCF) from the 1980 criteria documents was retained in all cases.

b. The criteria refers to the inorganic form only.

c. Criteria in the matrix based on carcinogenicity (10^{-6} risk). For a risk level of 10^{-5} , move the decimal point in the matrix value one place to the right.

d. Criteria Maximum Concentration (CMC) = the highest concentration of a pollutant to which aquatic life can be exposed for a short period of time (1-hour average) without deleterious effects. Criteria Continuous Concentration (CCC) = the highest concentration of a pollutant to which aquatic life can be exposed for an extended period of time (4 days) without deleterious effects. $\mu\text{g/L}$ = micrograms per liter.

e. Freshwater aquatic life criteria for these metals are expressed as a function of total hardness (mg/L as CaCO_3), the pollutant's water effect ratio (WER) as defined in § 131.36(c) and multiplied by an appropriate dissolved conversion factor as defined in § 131.36(b)(2). For comparative purposes, the values displayed in this matrix are shown as dissolved metal and correspond to a total hardness of 100 mg/L and a water effect ratio of 1.0.

f. Freshwater aquatic life criteria for pentachlorophenol are expressed as a function of pH, and are calculated as follows. Values displayed above in the matrix correspond to a pH of 7.8.

$$\text{CMC} = \exp(1.005(\text{pH}) - 4.830)$$

$$\text{CCC} = \exp(1.005(\text{pH}) - 5.290)$$

g. Aquatic life criteria for these compounds were issued in 1980 utilizing the 1980 Guidelines for criteria development. The acute values shown are final acute values (FAV) which by the 1980 Guidelines are instantaneous values as contrasted with a CMC which is a one-hour average.

h. These totals simply sum the criteria in each column. For aquatic life, there are 31 priority toxic pollutants with some type of freshwater or saltwater, acute or chronic criteria. For human health, there are 85 priority toxic pollutants with either "water + fish" or "fish only" criteria. Note that these totals count chromium as one pollutant even though EPA has developed criteria based on two valence states. In the matrix, EPA has assigned numbers 5a and 5b to the criteria for chromium to reflect the fact that the list of 126 priority toxic pollutants includes only a single listing for chromium.

i. If the CCC for total mercury exceeds $0.012 \mu\text{g/l}$ more than once in a 3-year period in the ambient water, the edible portion of aquatic species of concern must be analyzed

to determine whether the concentration of methyl mercury exceeds the FDA action level (1.0 mg/kg). If the FDA action level is exceeded, the State must notify the appropriate EPA Regional Administrator, initiate a revision of its mercury criterion in its water quality standards so as to protect designated uses, and take other appropriate action such as issuance of a fish consumption advisory for the affected area.

j. No criteria for protection of human health from consumption of aquatic organisms (excluding water) was presented in the 1980 criteria document or in the 1986 Quality Criteria for Water. Nevertheless, sufficient information was presented in the 1980 document to allow a calculation of a criterion, even though the results of such a calculation were not shown in the document.

k. The criterion for asbestos is the MCL (56 FR 3526, January 30, 1991).

l. [Reserved: This letter not used as a footnote.]

m. Criteria for these metals are expressed as a function of the water effect ratio, WER, as defined in 40 CFR 131.36(c).

$$\text{CMC} = \text{column B1 or C1 value} \times \text{WER}$$

$$\text{CCC} = \text{column B2 or C2 value} \times \text{WER}$$

n. EPA is not promulgating human health criteria for this contaminant. However, permit authorities should address this contaminant in NPDES permit actions using the State's existing narrative criteria for toxics.

o. [Reserved: This letter not used as a footnote.]

p. Criterion expressed as total recoverable.

q. This criterion applies to total PCBs (e.g., the sum of all congener or isomer or homolog or Aroclor analyses).

GENERAL NOTES

1. This chart lists all of EPA's priority toxic pollutants whether or not criteria recommendations are available. Blank spaces indicate the absence of criteria recommendations. Because of variations in chemical nomenclature systems, this listing of toxic pollutants does not duplicate the listing in Appendix A of 40 CFR Part 423. EPA has added the Chemical Abstracts Service (CAS) registry numbers, which provide a unique identification for each chemical.

2. The following chemicals have organoleptic based criteria recommendations that are not included on this chart (for reasons which are discussed in the preamble): copper, zinc, chlorobenzene, 2-chlorophenol, 2,4-dichlorophenol, acenaphthene, 2,4-dimethylphenol, 3-methyl-4-chlorophenol, hexachlorocyclopentadiene, pentachlorophenol, phenol.

3. For purposes of this rulemaking, freshwater criteria and saltwater criteria apply as specified in 40 CFR 131.36(c).

NOTE TO PARAGRAPH (B)(1): On April 14, 1995, the Environmental Protection Agency

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issued a stay of certain criteria in paragraph (b)(1) of this section as follows: the criteria in columns B and C for arsenic, cadmium, chromium (VI), copper, lead, nickel, silver, and zinc; the criteria in B1 and C1 for mercury; the criteria in column B for chromium (III); and the criteria in column C for selenium. The stay remains in effect until further notice.

(2) Factors for Calculating Hardness-Dependent, Freshwater Metals Criteria

$$CMC = WER \exp \{ m_A [\ln(\text{hardness})] + b_A \} \times \text{Acute Conversion Factor}$$

$$CCC = WER \exp \{ m_C [\ln(\text{hardness})] + b_C \} \times \text{Chronic Conversion Factor}$$

Final CMC and CCC values should be rounded to two significant figures.

| Metal | m _A | b _A | m _C | b _C | Freshwater conversion factors | |
|----------------------|----------------|----------------|------------------|------------------|-------------------------------|--------------------|
| | | | | | Acute | Chronic |
| Cadmium | 1.128 | -3.828 | 0.7852 | -3.490 | ^a 0.944 | ^a 0.909 |
| Chromium (III) | 0.8190 | 3.688 | 0.8190 | 1.561 | 0.316 | 0.860 |
| Copper | 0.9422 | -1.464 | 0.8545 | -1.465 | 0.960 | 0.960 |
| Lead | 1.273 | -1.460 | 1.273 | -4.705 | ^a 0.791 | ^a 0.791 |
| Nickel | 0.8460 | 3.3612 | 0.8460 | 1.1645 | 0.998 | 0.997 |
| Silver | 1.72 | -6.52 | ^b N/A | ^b N/A | 0.85 | ^b N/A |
| Zinc | 0.8473 | 0.8604 | 0.8473 | 0.7614 | 0.978 | 0.986 |

Note to table: The term "exp" represents the base e exponential function.
 Footnotes to table:
^aThe freshwater conversion factors (CF) for cadmium and lead are hardness-dependent and can be calculated for any hardness [see limitations in § 131.36(c)(4)] using the following equations:
 Cadmium
 Acute: CF=1.136672—[(ln hardness)(0.041838)]
 Chronic: CF=1.101672—[(ln hardness)(0.041838)]
 Lead (Acute and Chronic): CF = 1.46203—[(ln hardness)(0.145712)]
^bNo chronic criteria are available for silver.

(c) *Applicability.* (1) The criteria in paragraph (b) of this section apply to the States' designated uses cited in paragraph (d) of this section and supersede any criteria adopted by the State, except when State regulations contain criteria which are more stringent for a particular use in which case the State's criteria will continue to apply.

(2) The criteria established in this section are subject to the State's general rules of applicability in the same way and to the same extent as are the other numeric toxics criteria when applied to the same use classifications including mixing zones, and low flow values below which numeric standards can be exceeded in flowing fresh waters.

(i) For all waters with mixing zone regulations or implementation procedures, the criteria apply at the appropriate locations within or at the boundary of the mixing zones; otherwise the criteria apply throughout the waterbody including at the end of any discharge pipe, canal or other discharge point.

(ii) A State shall not use a low flow value below which numeric standards can be exceeded that is less stringent than the following for waters suitable for the establishment of low flow return frequencies (i.e., streams and rivers):

| | |
|------------------------|-----------------|
| AQUATIC LIFE | |
| Acute criteria (CMC) | 1 Q 10 or 1 B 3 |
| Chronic criteria (CCC) | 7 Q 10 or 4 B 3 |
| HUMAN HEALTH | |
| Non-carcinogens | 30 Q 5 |

Carcinogens Harmonic mean flow

Where:
 CMC—criteria maximum concentration—the water quality criteria to protect against acute effects in aquatic life and is the highest instream concentration of a priority toxic pollutant consisting of a one-hour average not to be exceeded more than once every three years on the average;
 CCC—criteria continuous concentration—the water quality criteria to protect against chronic effects in aquatic life is the highest instream concentration of a priority toxic pollutant consisting of a 4-day average not to be exceeded more than once every three years on the average;
 1 Q 10 is the lowest one day flow with an average recurrence frequency of once in 10 years determined hydrologically;
 1 B 3 is biologically based and indicates an allowable exceedence of once every 3 years. It is determined by EPA's computerized method (DFLOW model);
 7 Q 10 is the lowest average 7 consecutive day low flow with an average recurrence frequency of once in 10 years determined hydrologically;
 4 B 3 is biologically based and indicates an allowable exceedence for 4 consecutive days once every 3 years. It is determined by EPA's computerized method (DFLOW model);
 30 Q 5 is the lowest average 30 consecutive day low flow with an average recurrence frequency of once in 5 years determined hydrologically; and the harmonic mean

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flow is a long term mean flow value calculated by dividing the number of daily flows analyzed by the sum of the reciprocals of those daily flows.

(iii) If a State does not have such a low flow value for numeric standards compliance, then none shall apply and the criteria included in paragraph (d) of this section herein apply at all flows.

(3) The aquatic life criteria in the matrix in paragraph (b) of this section apply as follows:

(i) For waters in which the salinity is equal to or less than 1 part per thousand 95% or more of the time, the applicable criteria are the freshwater criteria in Column B;

(ii) For waters in which the salinity is equal to or greater than 10 parts per thousand 95% or more of the time, the applicable criteria are the saltwater criteria in Column C; and

(iii) For waters in which the salinity is between 1 and 10 parts per thousand as defined in paragraphs (c)(3) (i) and (ii) of this section, the applicable criteria are the more stringent of the freshwater or saltwater criteria. However, the Regional Administrator may approve the use of the alternative freshwater or saltwater criteria if scientifically defensible information and data demonstrate that on a site-specific basis the biology of the waterbody is dominated by freshwater aquatic life and that freshwater criteria are more appropriate; or conversely, the biology of the waterbody is dominated by saltwater aquatic life and that saltwater criteria are more appropriate.

(4) *Application of metals criteria.* (i) For purposes of calculating freshwater aquatic life criteria for metals from the equations in paragraph (b)(2) of this section, the minimum hardness allowed for use in those equations shall not be less than 25 mg/l, as calcium carbonate, even if the actual ambient hardness is less than 25 mg/l as calcium carbonate. The maximum hardness value for use in those equations shall not exceed 400 mg/l as calcium carbonate, even if the actual ambient hardness is greater than 400 mg/l as calcium carbonate. The same provisions apply for calculating the metals criteria for the comparisons provided

for in paragraph (c)(3)(iii) of this section.

(ii) The hardness values used shall be consistent with the design discharge conditions established in paragraph (c)(2) of this section for flows and mixing zones.

(iii) Except where otherwise noted, the criteria for metals (compounds #2, #4-# 11, and #13, in paragraph (b) of this section) are expressed as dissolved metal. For purposes of calculating aquatic life criteria for metals from the equations in footnote m. in the criteria matrix in paragraph (b)(1) of this section and the equations in paragraphs (b)(2) of this section, the water-effect ratio is computed as a specific pollutant's acute or chronic toxicity values measured in water from the site covered by the standard, divided by the respective acute or chronic toxicity value in laboratory dilution water.

(d) *Criteria for Specific Jurisdictions—*
 (1) *Rhode Island, EPA Region 1.* (i) All waters assigned to the following use classifications in the Water Quality Regulations for Water Pollution Control adopted under Chapters 46-12, 42-17.1, and 42-35 of the General Laws of Rhode Island are subject to the criteria in paragraph (d)(1)(ii) of this section, without exception:

| | |
|-----------------|-----------------|
| 6.21 Freshwater | 6.22 Saltwater: |
| Class A | Class SA |
| Class B | Class SB |
| Class C | Class SC |

(ii) The following criteria from the matrix in paragraph (b)(1) of this section apply to the use classifications identified in paragraph (d)(1)(i) of this section:

| Use classification | Applicable criteria |
|--|--|
| Class A | These classifications are assigned the criteria in Column D1—#2, 68 Each of these classifications is assigned the criteria in: Column D2—#2, 68 |
| Class B waters where water supply use is designated | |
| Class B waters where water supply use is not designated. | |
| Class C; | |
| Class SA; Class SB; Class SC | |

(iii) The human health criteria shall be applied at the $10^{7\text{minus}5}$ risk level, consistent with the State policy. To determine appropriate value for carcinogens, see footnote c in the criteria

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matrix in paragraph (b)(1) of this section.

(2) *Vermont, EPA Region 1.* (i) All waters assigned to the following use classifications in the Vermont Water Quality Standards adopted under the authority of the Vermont Water Pollution Control Act (10 V.S.A., Chapter 47) are subject to the criteria in paragraph

(d)(2)(ii) of this section, without exception:

- Class A
- Class B
- Class C

(ii) The following criteria from the matrix in paragraph (b)(1) of this section apply to the use classifications identified in paragraph (d)(2)(i) of this section:

| Use classification | Applicable criteria |
|-------------------------------------|---|
| 1. Classes A1, A2, B1, B2, B3 | These classification are assigned the criterion in: Column B2—#105. |

(iii) The human health criteria shall be applied at the State-proposed 10^{-6} risk level.

(3) *New Jersey, EPA Region 2.* (i) All waters assigned to the following use classifications in the New Jersey Administrative Code (N.J.A.C.) 7:9-4.1 et seq., Surface Water Quality Standards, are subject to the criteria in paragraph (d)(3)(ii) of this section, without exception.

- N.J.A.C. 7:9-4.12(b): Class PL
- N.J.A.C. 7:9-4.12(c): Class FW2
- N.J.A.C. 7:9-4.12(d): Class SE1

- N.J.A.C. 7:9-4.12(e): Class SE2
- N.J.A.C. 7:9-4.12(f): Class SE3
- N.J.A.C. 7:9-4.12(g): Class SC
- N.J.A.C. 7:9-4.13(a): Delaware River Zones 1C, 1D, and 1E
- N.J.A.C. 7:9-4.13(b): Delaware River Zone 2
- N.J.A.C. 7:9-4.13(c): Delaware River Zone 3
- N.J.A.C. 7:9-4.13(d): Delaware River Zone 4
- N.J.A.C. 7:9-4.13(e): Delaware River Zone 5
- N.J.A.C. 7:9-4.13(f): Delaware River Zone 6

(ii) The following criteria from the matrix in paragraph (b)(1) of this section apply to the use classifications identified in paragraph (d)(3)(i) of this section:

| Use classification | Applicable criteria |
|---|--|
| 1. Freshwater Pinelands, FW2 | These classifications are each assigned the criteria in: i. Column B1—#2, 4, 5a, 5b, 6-11, 13. ii. Column B2—#2, 4, 5a, 5b, 6-10, 13. iii. Column D1— #125b at a 10^{-6} risk level. iv. Column D2—#125b at a 10^{-6} risk level. v. Column D2—#23, 30, 37, 42, 87, 89, 93 and 105 at a 10^{-5} risk level. |
| 2. PL (Saline Water Pinelands), SE1, SE2, SE3, SC, Delaware Bay Zone 6. | These classifications are each assigned the criteria in: i. Column C1—#2, 4, 5b, 6-11, 13. ii. Column C2—#2, 4, 5b, 6-10, 13. iii. Column D1— #125b at a 10^{-6} risk level. iv. Column D2—#125b at a 10^{-6} risk level. v. Column D2—#23, 30, 37, 42, 87, 89, 93 and 105 at a 10^{-5} risk level. |
| 3. Delaware River Zones 1C, 1D, 1E, 2, 3, 4, and 5 | i. Column B1—none. ii. Column B2—none. iii. Column D1—none. iv. Column D2—none. |
| 4. Delaware River Zones 3, 4, and 5 | These classifications are each assigned the criteria in: i. Column C1—none. ii. Column C2—none. iii. Column D2—none. |

(iii) The human health criteria shall be applied at the State-proposed 10^{-6} risk level for EPA rated Class A, B₁, and B₂ carcinogens; EPA rated Class C carcinogens shall be applied at 10^{-5}

risk level. To determine appropriate value for carcinogens, see footnote c. in the matrix in paragraph (b)(1) of this section.

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(4) *Puerto Rico, EPA Region 2.* (i) All waters assigned to the following use classifications in the Puerto Rico Water Quality Standards (promulgated by Resolution Number R-83-5-2) are subject to the criteria in paragraph (d)(4)(ii) of this section, without exception.

Article 2.2.2—Class SB
 Article 2.2.3—Class SC
 Article 2.2.4—Class SD

(ii) The following criteria from the matrix in paragraph (b)(1) of this section apply to the use classifications identified in paragraph (d)(4)(i) of this section:

| Use classification | Applicable criteria |
|--------------------|--|
| Class SD | This Classification is assigned criteria in: Column B1—all, except: 10, 102, 105, 107, 108, 111, 112, 113, 115, 117, and 126. Column B2—all, except: 105, 107, 108, 112, 113, 115, and 117. Column D1—all, except: 6, 14, 105, 112, 113, and 115. Column D2—all, except: 14, 105, 112, 113, and 115. |

| Use classification | Applicable criteria |
|--------------------|--|
| Class SB, Class SC | These Classifications are assigned criteria in: Column C1—all, except: 4, 5b, 7, 8, 10, 11, 13, 102, 105, 107, 108, 111, 112, 113, 115, 117, and 126. Column C2—all, except: 4, 5b, 10, 13, 108, 112, 113, 115, and 117. Column D2—all, except: 14, 105, 112, 113, and 115. |

(iii) The human health criteria shall be applied at the State-proposed 10^{-5} risk level. To determine appropriate value for carcinogens, see footnote c, in the criteria matrix in paragraph (b)(1) of this section.

(5) *District of Columbia, EPA Region 3.*

(i) All waters assigned to the following use classifications in chapter 11 Title 21 DCMR, Water Quality Standards of the District of Columbia are subject to the criteria in paragraph (d)(5)(ii) of this section, without exception:

1101.2 Class C waters

(ii) The following criteria from the matrix in paragraph (b)(1) of this section apply to the use classification identified in paragraph (d)(5)(i) of this section:

| Use classification | Applicable criteria |
|--------------------|---|
| 1. Class C | This classification is assigned the additional criteria in: Column B2; #10, 118, 126. |

(iii) The human health criteria shall be applied at the State-adopted 10^{-6} risk level.

(6) *Florida, EPA Region 4.*

(i) All waters assigned to the following use classifications in Chapter 17-301 of the Florida Administrative Code (i.e., identified in Section 17-302.600) are subject to the criteria in paragraph (d)(6)(ii) of this section, without exception:

Class I
 Class II
 Class III

(ii) The following criteria from the matrix paragraph (b)(1) of this section apply to the use classifications identified in paragraph (d)(6)(i) of this section:

| Use classification | Applicable criteria |
|--------------------------------|---|
| Class I | This classification is assigned the criteria in: Column D1—#16 |
| Class II Class III (marine) | This classification is assigned the criteria in: Column D2—#16 |

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| Use classification | Applicable criteria |
|--------------------|---|
| | Column D1, all except #1, 9, 12, 14, 15, 17, 22, 33, 36, 39, 44, 75, 77, 79, 90, 112, 113, and 115. |

(iii) The human health criteria shall be applied at the State-adopted 10⁻⁶ risk level.

(10) *California, EPA Region 9.*

(i) All waters assigned any aquatic life or human health use classifications in the Water Quality Control Plans for the various Basins of the State (“Basin Plans”), as amended, adopted by the California State Water Resources Control Board (“SWRCB”), except for ocean waters covered by the Water Quality Control Plan for Ocean Waters of California (“Ocean Plan”) adopted by the SWRCB with resolution Number 90-27 on March 22, 1990, are subject to the criteria in paragraph (d)(10)(ii) of this section, without exception. These criteria amend the portions of the existing State standards contained in the Basin Plans. More particularly these criteria amend water quality criteria

contained in the Basin Plan Chapters specifying water quality objectives (the State equivalent of federal water quality criteria) for the toxic pollutants identified in paragraph (d)(10)(ii) of this section. Although the State has adopted several use designations for each of these waters, for purposes of this action, the specific standards to be applied in paragraph (d)(10)(ii) of this section are based on the presence in all waters of some aquatic life designation and the presence or absence of the MUN use designation (Municipal and domestic supply). (See Basin Plans for more detailed use definitions.)

(ii) The following criteria from the matrix in paragraph (b)(1) of this section apply to the water and use classifications defined in paragraph (d)(10)(i) of this section and identified below:

| Water and use classification | Applicable criteria |
|--|--|
| Waters of the State defined as bays or estuaries except the Sacramento-San Joaquin Delta and San Francisco Bay | These waters are assigned the criteria in: Column B1—pollutants 5a and 14 Column B2—pollutants 5a and 14 Column C1—pollutant 14 Column C2—pollutant 14 Column D2—pollutants 1, 12, 17, 18, 21, 22, 29, 30, 32, 33, 37, 38, 42-44, 46, 48, 49, 54, 59, 66, 67, 68, 78-82, 85, 89, 90, 91, 93, 95, 96, 98 |
| Waters of the Sacramento—San Joaquin Delta and waters of the State defined as inland (i.e., all surface waters of the State not bays or estuaries or ocean) that include a MUN use designation | These waters are assigned the criteria in: Column B1—pollutants 5a and 14 Column B2—pollutants 5a and 14 Column D1—pollutants 1, 12, 15, 17, 18, 21, 22, 29, 30, 32, 33, 37, 38, 42-48, 49, 59, 66, 67, 68, 78-82, 85, 89, 90, 91, 93, 95, 96, 98 |
| Waters of the State defined as inland without an MUN use designation | These waters are assigned the criteria in: Column B1—pollutants 5a and 14 Column B2—pollutants 5a and 14 |

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| Water and use classification | Applicable criteria |
|--|--|
| | Column D2—pollutants 1, 12, 17, 18, 21, 22, 29, 30, 32, 33, 37, 38, 42-44, 46, 48, 49, 54, 59, 66, 67, 68, 78-82, 85, 89, 90, 91, 93, 95, 96, 98 |
| Waters of the San Joaquin River from the mouth of the Merced River to Vernalis | In addition to the criteria assigned to these waters elsewhere in this rule, these waters are assigned the criteria in: Column B2—pollutant 10 |
| Waters of Salt Slough, Mud Slough (north) and the San Joaquin River, Sack Dam to the mouth of the Merced River | In addition to the criteria assigned to these waters elsewhere in this rule, these waters are assigned the criteria in: Column B1—pollutant 10 Column B2—pollutant 10 |
| Waters of San Francisco Bay upstream to and including Suisun Bay and the Sacramento-San Joaquin Delta | These waters are assigned the criteria in: Column B1—pollutants 5a, 10* and 14 Column B2—pollutants 5a, 10* and 14 Column C1—pollutant 14 Column C2—pollutant 14 Column D2—pollutants 1, 12, 17, 18, 21, 22, 29, 30, 32, 33, 37, 38, 42-44, 46, 48, 49, 54, 59, 66, 67, 68, 78-82, 85, 89, 90, 91, 93, 95, 96, 98 |
| All inland waters of the United States or enclosed bays and estuaries that are waters of the United States that include an MUN use designation and that the State has either excluded or partially excluded from coverage under its Water Quality Control Plan for Inland Surface Waters of California, Tables 1 and 2, or its Water Quality Control Plan for Enclosed Bays and Estuaries of California, Tables 1 and 2, or has deferred applicability of those tables. (Category (a), (b), and (c) waters described on page 6 of Water Quality Control Plan for Inland Surface Waters of California or page 6 of its Water Quality Control Plan for Enclosed Bays and Estuaries of California.) | These waters are assigned the criteria for pollutants for which the State does not apply Table 1 or 2 standards. These criteria are: Column B1—all pollutants Column B2—all pollutants Column D1—all pollutants except #2 |
| All inland waters of the United States that do not include an MUN use designation and that the State has either excluded or partially excluded from coverage under its Water Quality Control Plan for Inland Surface Waters of California, Tables 1 and 2, or has deferred applicability of these tables. (Category (a), (b), and (c) waters described on page 6 of Water Quality Control Plan for Inland Surface Waters of California.) | These waters are assigned the criteria for pollutants for which the State does not apply Table 1 or 2 standards. These criteria are: Column B1—all pollutants Column B2—all pollutants Column D2—all pollutants except #2 |

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Water and use classification

Applicable criteria

All enclosed bays and estuaries that are waters of the United States that do not include an MUN designation and that the State has either excluded or partially excluded from coverage under its Water Quality Control Plan for Inland Surface Waters of California, Tables 1 and 2, or its Water Quality Control Plan for Enclosed Bays and Estuaries of California, Tables 1 and 2, or has deferred applicability of those tables. (Category (a), (b), and (c) waters described on page 6 of Water Quality Control Plan for Inland Surface Waters of California or page 6 of its Water Quality Control Plan for Enclosed Bays and Estuaries of California.)

These waters are assigned the criteria for pollutants for which the State does not apply Table 1 or 2 standards. These criteria are:

- Column B1—all pollutants
- Column B2—all pollutants
- Column C1—all pollutants
- Column C2—all pollutants
- Column D2—all pollutants except #2

*The fresh water selenium criteria are included for the San Francisco Bay estuary because high levels of bioaccumulation of selenium in the estuary indicate that the salt water criteria are underprotective for San Francisco Bay.

(iii) The human health criteria shall be applied at the State-adopted 10^{-6} risk level.

(11) *Nevada, EPA Region 9.* (i) All waters assigned the use classifications in Chapter 445 of the Nevada Administrative Code (NAC), Nevada Water Pollution Control Regulations, which are referred to in paragraph (d)(11)(ii) of this section, are subject to the criteria in paragraph (d)(11)(ii) of this section, without exception. These criteria amend the existing State standards

contained in the Nevada Water Pollution Control Regulations. More particularly, these criteria amend or supplement the table of numeric standards in NAC 445.1339 for the toxic pollutants identified in paragraph (d)(11)(ii) of this section.

(ii) The following criteria from matrix in paragraph (b)(1) of this section apply to the waters defined in paragraph (d)(11)(i) of this section and identified below:

Water and use classification

Applicable criteria

Waters that the State has included in NAC 445.1339 where Municipal or domestic supply is a designated use

These waters are assigned the criteria in:

- Column B1—pollutant #118
- Column B2—pollutant #118
- Column D1—pollutants #15, 16, 18, 19, 20, 21, 23, 26, 27, 29, 30, 34, 37, 38, 42, 43, 55, 58–62, 64, 66, 73, 74, 78, 82, 85, 87–89, 91, 92, 96, 98, 100, 103, 104, 105, 114, 116, 117, 118

Waters that the State has included in NAC 445.1339 where Municipal or domestic supply is not a designated use

These waters are assigned the criteria in:

- Column B1—pollutant #118
- Column B2—pollutant #118
- Column D2—all pollutants except #2.

(iii) The human health criteria shall be applied at the 10^{-5} risk level, consistent with State policy. To determine appropriate value for carcinogens, see footnote c in the criteria matrix in paragraph (b)(1) of this section.

(12) *Alaska, EPA Region 10.*

(i) All waters assigned to the following use classifications in the Alaska Administrative Code (AAC), Chapter 18 (i.e., identified in 18 AAC 70.020) are subject to the criteria in paragraph (d)(12)(ii) of this section, without exception:

70.020.(1) (A) Fresh Water

70.020.(1) (A) Water Supply
(i) Drinking, culinary, and food processing,
(ii) Aquaculture;

70.020.(1) (B) Water Recreation
(i) Contact recreation,
(ii) Secondary recreation;

70.020.(1) (C) Growth and propagation of fish, shellfish, other aquatic life, and wildlife

70.020.(2) (A) Marine Water

70.020.(2) (A) Water Supply

(i) Aquaculture,
70.020.(2) (B) Water Recreation
(i) contact recreation,
(ii) secondary recreation;

70.020.(2) (C) Growth and propagation of fish, shellfish, other aquatic life, and wildlife;

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70.020.(2) (D) Harvesting for consumption of raw mollusks or other raw aquatic life.

(ii) The following criteria from the matrix in paragraph (b)(1) of this section apply to the use classifications identified in paragraph (d)(12)(i) of this section:

| Use classification | Applicable criteria |
|---|--|
| (1)(A) i | Column B1—#9, 10, 13, 53, and 126 Column B2—#10 Column D1 #’s 16, 18-21, 23, 26, 27, 29, 30, 32, 37, 38, 42-44, 53, 55, 59-62, 64, 66, 68, 73, 74, 78, 82, 85, 88, 89, 91-93, 96, 98, 102-105, 107-111, 117-126 |
| (1)(A) iii | Column B1—#9, 10, 13, 53, and 126 Column B2—#10 Column D2 #’s 14, 16, 18-21, 22, 23, 26, 27, 29, 30, 32, 37, 38, 42-44, 46, 53, 54, 55, 59-62, 64, 66, 68, 73, 74, 78, 82, 85, 88-93, 95, 96, 98, 102-105, 107-111, 115-126 |
| (1)(B)i, (1)(B) ii, (1)(C) | Column B1—#9, 10, 13, 53, and 126 Column B2—#10 Column D2 #’s 14, 16, 18-21, 22, 23, 26, 27, 29, 30, 32, 37, 38, 42-44, 46, 53, 54, 55, 59-62, 64, 66, 68, 73, 74, 78, 82, 85, 88-93, 95, 96, 98, 102-105, 107-111, 115-126 |
| (2)(A) i, (2)(B)i, and (2)(B)ii, (2)(C), (2)(D) | Column C1—#9, 10, 13, and 53 Column C2—#10 Column D2 #’s 14, 16, 18-21, 22, 23, 26, 27, 29, 30, 32, 37, 38, 42-44, 46, 53, 54, 55, 59-62, 64, 66, 68, 73, 74, 78, 82, 85, 88-93, 95, 96, 98, 102-105, 107-111, 115-126 |

(iii) The human health criteria shall be applied at the State-proposed risk level of 10⁻⁵. To determine appropriate value for carcinogens, see footnote c in the criteria matrix in paragraph (b)(1) of this section.

(13) [Reserved]

(14) *Washington, EPA Region 10.*

(i) All waters assigned to the following use classifications in the Washington Administrative Code (WAC),

Chapter 173-201 (i.e., identified in WAC 173-201-045) are subject to the criteria in paragraph (d)(14)(ii) of this section, without exception:

173-201-045
Fish and Shellfish
Fish
Water Supply (domestic)
Recreation

(ii) The following criteria from the matrix in paragraph (b)(1) of this section apply to the use classifications identified in paragraph (d)(14)(i) of this section:

| Use classification | Applicable criteria |
|-----------------------------|---|
| Fish and Shellfish; Fish | These classifications are assigned the criteria in: Column C2—6, 14 Column D2—all |
| Water Supply (domestic) | These classifications are assigned the criteria in: Column D1—all |
| Recreation | This classification is assigned the criteria in: Column D2—Marine waters and freshwaters not protected for domestic water supply |

(iii) The human health criteria shall be applied at the State proposed risk level of 10⁻⁶.

[57 FR 60910, Dec. 22, 1992; 58 FR 31177, June 1, 1993, as amended at 58 FR 34499, June 25, 1993; 58 FR 36142, July 6, 1993; 60 FR 22229, 22235, May 4, 1995; 60 FR 44120, Aug. 24, 1995; 61 FR 60617, Nov. 29, 1996; 62 FR 52927, Oct. 9, 1997; 62 FR 53214, Oct. 10, 1997; 63 FR 10144, Mar. 2, 1998; 64 FR 61193, Nov. 9, 1999; 65 FR 19661, Apr. 12, 2000; 67 FR 68041, Nov. 8, 2002; 67 FR 71846, Dec. 3, 2002]

§ 131.37 California.

(a) *Additional criteria.* The following criteria are applicable to waters specified in the Water Quality Control Plan for Salinity for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, adopted by the California State Water Resources Control Board in State Board Resolution No. 91-34 on May 1, 1991:

(1) *Estuarine habitat criteria.* (i) *General rule.* (A) Salinity (measured at the surface) shall not exceed 2640