WSR 24-19-075
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Order 24-11—Filed September 17, 2024, 8:32 a.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: The department of ecology (ecology) proposes updates to the human health criteria and associated footnotes in Table 240 of WAC 173-201A-240 Toxic substances, to remove state-adopted human health criteria that the Environmental Protection Agency (EPA) disapproved and adopt as state law federal human health criteria (HHC) that EPA promulgated for Washington. HHC are pollution limits on toxic substances that are set to protect people who consume fish and shellfish and drink untreated water from Washington's surface waters.

The state's water quality standards, chapter 173-201A WAC, set limits on pollution in our lakes, rivers, and marine water in order to protect beneficial uses, such as swimming and fishing. The water quality standards are implemented through discharge permits and other regulatory mechanisms under the federal Clean Water Act. They are also used to identify polluted waters and set levels for water cleanup.

Hearing Location(s): On October 22, 2024, at 5:30 p.m., via webinar. Presentation and question and answer session followed by the hearing. This is an online meeting that you can attend from any computer using internet access. Join online and see instructions https://waecy-wa-gov.zoom.us/meeting/register/tZUqcOygpjgrE9YnQmdRMlg3gMthCX8BZk-Z. For audio, call US Toll number 1-253-205-0468 and enter access code 817 7588 3192. Or, to receive a free call back, provide your phone number when you join the event.

Date of Intended Adoption: November 27, 2024.

Submit Written Comments to: Marla Koberstein, Send US mail to: Department of Ecology, Water Quality Program, P.O. Box 47696, Olympia, WA 98504-7696; or send parcel delivery services to: Department of Ecology, Water Quality Program, P.O. Box 47696, Olympia, WA 98504-7696, online https://wq.ecology.commentinput.com?id=PYcJ7i5sk, beginning September 17, 2024, at 12:00 a.m., by October 25, 2024, at 11:59 p.m.

Assistance for Persons with Disabilities: Contact ecology ADA coordinator, phone 360-407-6831, speech disability may call TTY at 877-833-6341, impaired hearing may call Washington relay service at 711, email ecyADAcoordinator@ecy.wa.gov, by October 15, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Ecology proposes to remove from WAC certain state-adopted HHC that EPA previously disapproved and replace those disapproved criteria with the limits that EPA put in place for Washington's waters under 40 C.F.R. § 131.45.

This proposed rule would replace 143 HHC for 73 pollutants that were disapproved by EPA. In addition, ecology proposes to adopt three criteria for two pollutants that EPA put into effect for Washington in 2016 that ecology did not adopt state criteria for. We also updated the footnotes in Table 240 associated with the replaced criteria.

By adopting the current federal HHC as state law, ecology aims to provide durability and regulatory certainty for pollution limits that were set to protect human health, including vulnerable populations, from the harmful effects of toxic substances. **The proposed rule will**

not result in any change to water quality criteria that ecology is already implementing.

Ecology is also correcting typographical errors in Table 240.

Ecology is starting this rule making at the rule proposal (CR-102) filing phase. This rule making is exempt from the requirement to file a preproposal statement of inquiry (CR-101) under the Administrative Procedure Act (chapter 34.05 RCW) because this rule making intends to adopt without material change federal regulations. Additionally, this rule making is exempt from completing analyses required under the Regulatory Fairness Act (chapter 19.85 RCW).

Reasons Supporting Proposal: In 2016, ecology adopted human health criteria for Washington's waters through an extensive public rule-making process and following tribal consultation. We submitted the adopted rule to EPA for review and approval. EPA approved 45 of Washington's criteria and disapproved 143 criteria on the basis that those criteria were not protective of designated uses (such as fishing). EPA promulgated criteria for Washington for 141 of the values that were disapproved, and promulgated criteria for two substances (methylmercury and bis(2-Chloro-1-Methylethyl)Ether) that Washington did not include in their state rule adoption.

In 2017, a group of Washington businesses petitioned EPA to reconsider the 2016 partial disapproval and repeal the federally promulgated HHC. Washington and several tribes urged EPA to deny the petition.

In 2019, EPA granted the petition to reconsider their 2016 disapproval of Washington's adopted human health criteria. In 2020, EPA formally reversed their decision and approved the previously disapproved criteria, which resulted in the 2016 state adopted criteria to go into effect for permits and other Clean Water Act programs. EPA also approved HHC for two substances (dioxin and thallium) that they deferred action on in 2016.

However, in 2022, EPA reversed that decision following legal challenges by Washington and several tribes. As a result, EPA once again formally promulgated those criteria that they originally promulgated in 2016. Washington's promulgated HHC went back into effect on December 19, 2022.

Ecology's proposal provides durability and regulatory certainty for the HHC already in place for Clean Water Act regulatory programs in Washington. The state-adopted HHC that were disapproved by EPA are not being implemented in state regulatory programs.

Statutory Authority for Adoption: RCW 90.48.035 provides clear and direct authority to ecology to revise the surface water quality standards (SWQS). Additionally, 40 C.F.R. 131.20 requires states and tribes with Federal Clean Water Act authority to periodically review and update the SWQS.

Statute Being Implemented: Chapter 90.48 RCW, Water pollution control.

Rule is necessary because of federal law, 40 C.F.R. 131.45.

Name of Proponent: Department of ecology, governmental.

Name of Agency Personnel Responsible for Drafting: Marla Koberstein, Headquarters, Lacey, 360-628-6376; Implementation: Melissa Gildersleeve, Headquarters, Lacey, 360-522-6441; and Enforcement: Vincent McGowan, Headquarters, Lacey, 360-407-6405.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 (5)(b)(iii) exempts rules from a cost-benefit analysis when

they adopt by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

We propose to remove HHC disapproved by EPA and adopt without change HHC that EPA put into effect for Washington under 40 C.F.R. 131.45. These criteria went into effect for Washington's waters on December 19, 2022. Ecology is already implementing the EPA promulgated HHC into Clean Water Act regulatory programs across the state. The state-adopted HHC that were disapproved by EPA are not being implemented in state regulatory programs.

RCW 34.05.328 (5)(b)(iv) likewise exempts rules from a cost-benefit analysis when they only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

We propose to correct typographical errors in Table 240 of WAC 173-201A-240, such as correcting the number of significant figures for a criterion.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of exemptions: This rule making proposes to adopt without material change federal regulations that specify HHC currently in place for Washington. This proposal also includes corrections to typographical errors.

Scope of exemption for rule proposal:

Is fully exempt.

September 17, 2024
Heather R. Bartlett
Deputy Director

OTS-5866.1

AMENDATORY SECTION (Amending WSR 24-17-048, filed 8/14/24, effective 9/14/24)

WAC 173-201A-240 Toxic substances. (1) Toxic substances shall not be introduced above natural background levels in waters of the state which have the potential either singularly or cumulatively to adversely affect characteristic water uses, cause acute or chronic toxicity to the most sensitive biota dependent upon those waters, or adversely affect public health, as determined by the department.

(2) The department shall employ or require chemical testing, acute and chronic toxicity testing, and biological assessments, as appropriate, to evaluate compliance with subsection (1) of this section and to ensure that aquatic communities and the existing and designated uses of waters are being fully protected.

(3) USEPA Quality Criteria for Water, 1986, as revised, shall be used in the use and interpretation of the values listed in subsection (5) of this section.

(4) Concentrations of toxic, and other substances with toxic propensities not listed in Table 240 of this section shall be determined in consideration of USEPA Quality Criteria for Water, 1986, and as revised, and other relevant information as appropriate.

(5) The following criteria, found in Table 240, shall be applied to all surface waters of the state of Washington. Values are µg/L for all substances except ammonia and chloride which are mg/L, tissue-based aquatic life criteria for selenium, perfluorooctane sulfonic acid (PFOS), and perfluorooctanoic acid (PFOA) which are mg/kg, and asbestos which is million fibers/L. The department shall formally adopt any appropriate revised criteria as part of this chapter in accordance with the provisions established in chapter 34.05 RCW, the Administrative Procedure Act. The department shall ensure there are early opportunities for public review and comment on proposals to develop revised criteria.

(a) **Aquatic life protection.** The department may revise the criteria in Table 240 for aquatic life on a statewide or water body-specific basis as needed to protect aquatic life occurring in waters of the state and to increase the technical accuracy of the criteria being applied. The department shall formally adopt any appropriate revised criteria as part of this chapter in accordance with the provisions established in chapter 34.05 RCW, the Administrative Procedure Act.

(b) **Human health protection.** The following provisions apply to the human health criteria in Table 240. All waters shall maintain a level of water quality when entering downstream waters that provides for the attainment and maintenance of the water quality standards of those downstream waters, including the waters of another state. The human health criteria in the tables were calculated using a fish consumption rate of 175 g/day. Criteria for carcinogenic substances were calculated using a cancer risk level equal to one-in-one-million((~~, or as otherwise specified in this chapter~~)). The human health criteria calculations and variables include chronic durations of exposure up to 70 years. All human health criteria for metals are for total metal concentrations, unless otherwise noted. Dischargers have the obligation to reduce toxics in discharges through the use of AKART.

Table 240
Toxics Substances Criteria

Compound/Chemical	Chemical Abstracts Service (CAS)#	Aquatic Life Criteria - Freshwater		Aquatic Life Criteria - Marine Water		Human Health Criteria for Consumption of:	
		Acute	Chronic	Acute	Chronic	Water & Organisms	Organisms Only
Metals:							
Aluminum	7429905	Western Cordillera: 288 Marine West Coast Forest: 630 Cold Desert: 1400 (a,e)	Western Cordillera: 180 Marine West Coast Forest: 302 Cold Desert: 720 (b,e)	-	-	-	-
Antimony	7440360	-	-	-	-	((~~12 (H)~~)) 6.0	((~~180 (H)~~)) 90
Arsenic	7440382	300 (a,f)	130 (b,f)	69 (a,f,g)	36 (b,f,g)	((~~10 (A,H)~~)) 0.018 (A,B)	((~~10 (A,H)~~)) 0.14 (A,B)
Asbestos	1332214	-	-	-	-	((~~7,000,000~~)) 7000000 fibers/L (C)	-
Beryllium	7440417	-	-	-	-	-	-
Cadmium	7440439	(a,f,h)	(b,f,i)	33 (a,f)	7.9 (b,f)	-	-
Chromium (III)	16065831	(a,j,k)	(b,j,l)	-	-	-	-
Chromium (VI)	18540299	18 (a,f,m)	6.6 (b,f,n)	((~~1,100.0~~)) 1,100 (a,f,g)	((~~50.0~~)) 50 (b,f,g)	-	-
Copper	7440508	Western Cordillera: 1.4 Marine West Coast Forest: 2.4 Cold Desert: 4.8 (a,f,o)	Western Cordillera: 1.2 Marine West Coast Forest: 1.8 Cold Desert: 3.2 (b,f,p)	4.8 (a,f,g)	3.1 (b,f,g)	1,300 (C)	-
Lead	7439921	(a,f,q)	(b,f,r)	((~~210.0~~)) 210 (a,f,g)	8.1 (b,f,g)	-	-
Mercury	7439976	1.4 (a,f,s)	0.012 (b,t,u)	1.8 (a,f,g)	0.025 (b,t,u)	(((~~G~~))) (D)	(((~~G~~))) (D)
Methylmercury	22967926	-	-	-	-	-	((~~-~~ (H)~~~~)) 0.030 (E)
Nickel	7440020	(a,f,v)	(b,f,w)	74.0 (a,f,g)	8.2 (b,f,g)	((~~150 (H)~~)) 80	((~~190 (H)~~)) 100
Selenium	7782492	(x)	(y)	290 (a,f,g)	((~~71.0~~)) 71 (b,f,g)	((~~120 (H)~~)) 60	((~~480 (H)~~)) 200
Silver	7440224	(a,f,z)	(b,f,aa)	2.3 (a,f,g)	0.91 (b,f,g)	-	-
Thallium	7440280	-	-	-	-	0.24	0.27
Zinc	7440666	(a,f,bb)	(b,f,cc)	((~~90.0~~)) 90 (a,f,g)	((~~81.0~~)) 81 (b,f,g)	((~~2,300 (H)~~)) 1000	((~~2,900 (H)~~)) 1000
Other chemicals:							
1,1,1-Trichloroethane	71556	-	-	-	-	((~~47,000 (H)~~)) 20000	((~~160,000 (H)~~)) 50000
1,1,2,2-Tetrachloroethane	79345	-	-	-	-	((~~0.12 (B,H)~~)) 0.10 (F)	((~~0.46 (B,H)~~)) 0.30 (F)

Compound/Chemical	Chemical Abstracts Service (CAS)#	Aquatic Life Criteria - Freshwater		Aquatic Life Criteria - Marine Water		Human Health Criteria for Consumption of:	
		Acute	Chronic	Acute	Chronic	Water & Organisms	Organisms Only
1,1,2-Trichloroethane	79005	-	-	-	-	((~~0.44 (B,H)~~)) 0.35 (F)	((~~1.8 (B,H)~~)) 0.90 (F)
1,1-Dichloroethane	75343	-	-	-	-	-	-
1,1-Dichloroethylene	75354	-	-	-	-	((~~1200 (H)~~)) 700	((~~4100 (H)~~)) 4000
1,2,4-Trichlorobenzene	120821	-	-	-	-	((~~0.12 (B,H)~~)) 0.036 (F)	((~~0.14 (B,H)~~)) 0.037 (F)
1,2-Dichlorobenzene	95501	-	-	-	-	((~~2000 (H)~~)) 700	((~~2500 (H)~~)) 800
1,2-Dichloroethane	107062	-	-	-	-	((~~9.3 (B,H)~~)) 8.9 (F)	((~~120 (B,H)~~)) 73 (F)
1,2-Dichloropropane	78875	-	-	-	-	0.71 (((~~B~~))) (F)	3.1 (((~~B~~))) (F)
1,3-Dichloropropene	542756	-	-	-	-	0.24 (((~~B~~))) (F)	((~~2 (B)~~)) 2.0 (F)
1,2-Diphenylhydrazine	122667	-	-	-	-	((~~0.015 (B,H)~~)) 0.010 (F)	((~~0.023 (B,H)~~)) 0.020 (F)
1,2-Trans-Dichloroethylene	156605	-	-	-	-	((~~600 (H)~~)) 200	((~~5,800 (H)~~)) 1000
1,3-Dichlorobenzene	541731	-	-	-	-	((~~13 (H)~~)) 2.0	((~~16 (H)~~)) 2.0
1,4-Dichlorobenzene	106467	-	-	-	-	((~~460 (H)~~)) 200	((~~580 (H)~~)) 200
2,3,7,8-TCDD (Dioxin)	1746016	-	-	-	-	0.000000064	0.000000064
2,4,6-Trichlorophenol	88062	-	-	-	-	0.25 (((~~B~~))) (F)	0.28 (((~~B~~))) (F)
2,4-Dichlorophenol	120832	-	-	-	-	((~~25 (H)~~)) 10	((~~34 (H)~~)) 10
2,4-Dimethylphenol	105679	-	-	-	-	85	97
2,4-Dinitrophenol	51285	-	-	-	-	((~~60 (H)~~)) 30	((~~610 (H)~~)) 100
2,4-Dinitrotoluene	121142	-	-	-	-	0.039 (((~~B~~))) (F)	0.18 (((~~B~~))) (F)
2,6-Dinitrotoluene	606202	-	-	-	-	-	-
2-Chloroethyvinyl Ether	110758	-	-	-	-	-	-
2-Chloronaphthalene	91587	-	-	-	-	((~~170 (H)~~)) 100	((~~180 (H)~~)) 100
2-Chlorophenol	95578	-	-	-	-	15	17
2-Methyl-4,6-Dinitrophenol (4,6-dinitro-o-cresol)	534521	-	-	-	-	((~~7.1 (H)~~)) 3.0	((~~25 (H)~~)) 7.0
2-Nitrophenol	88755	-	-	-	-	-	-
3,3'-Dichlorobenzidine	91941	-	-	-	-	0.0031 (((~~B~~))) (F)	0.0033 (((~~B~~))) (F)
3-Methyl-4-Chlorophenol (parachlorometa cresol)	59507	-	-	-	-	36	36

Compound/Chemical	Chemical Abstracts Service (CAS)#	Aquatic Life Criteria - Freshwater		Aquatic Life Criteria - Marine Water		Human Health Criteria for Consumption of:	
		Acute	Chronic	Acute	Chronic	Water & Organisms	Organisms Only
4,4'-DDD	72548	-	-	-	-	((~~0.000036 (B,H)~~)) 0.0000079 (F)	((~~0.000036 (B,H)~~)) 0.0000079 (F)
4,4'-DDE	72559	-	-	-	-	((~~0.000051 (B,H)~~)) 0.00000088 (F)	((~~0.000051 (B,H)~~)) 0.00000088 (F)
4,4'-DDT	50293	-	-	-	-	((~~0.000025 (B,H)~~)) 0.0000012 (F)	((~~0.000025 (B,H)~~)) 0.0000012 (F)
4,4'-DDT (and metabolites)	50293	1.1 (c)	((~~0.001~~)) 0.0010 (d)	0.13 (c)	((~~0.001~~)) 0.0010 (d)	-	-
4-Bromophenyl Phenyl Ether	101553	-	-	-	-	-	-
4-Chorophenyl Phenyl Ether	7005723	-	-	-	-	-	-
4-Nitrophenol	100027	-	-	-	-	-	-
Acenaphthene	83329	-	-	-	-	((~~110 (H)~~)) 30	((~~110 (H)~~)) 30
Acenaphthylene	208968	-	-	-	-	-	-
Acrolein	107028	((~~3~~)) 3.0 (a)	((~~3~~)) 3.0 (b)	-	-	1.0	1.1
Acrylonitrile	107131	-	-	-	-	0.019 (((~~B~~))) (F)	0.028 (((~~B~~))) (F)
Aldrin	309002	((~~3~~)) 3.0 (c,dd)	0.0019 (d,dd)	1.3 (c,e)	0.0019 (d,dd)	((~~0.0000057 (B,H)~~)) 0.000000041 (F)	((~~0.0000058 (B,H)~~)) 0.000000041 (F)
alpha-BHC	319846	-	-	-	-	((~~0.0005 (B,H)~~)) 0.000048 (F)	((~~0.00056 (B,H)~~)) 0.000048 (F)
alpha-Endosulfan	959988	0.22 (c,ee)	0.056 (d,ee)	0.034 (c,ee)	0.0087 (d,ee)	((~~9.7 (H)~~)) 6.0	((~~10 (H)~~)) 7.0
Ammonia	7664417	(a,ff,ii)	(b,gg,ii)	0.233 (a,hh,ii)	0.035 (b,hh,ii)	-	-
Anthracene	120127	-	-	-	-	((~~3,100 (H)~~)) 100	((~~4,600 (H)~~)) 100
Benzene	71432	-	-	-	-	0.44 (((~~B~~))) (F)	1.6 (((~~B~~))) (F)
Benzidine	92875	-	-	-	-	((~~0.00002 (B)~~)) 0.000020 (F)	0.000023 (((~~B~~))) (F)
Benzo(a) Anthracene	56553	-	-	-	-	((~~0.014 (B,H)~~)) 0.00016 (F)	((~~0.021 (B,H)~~)) 0.00016 (F)
Benzo(a) Pyrene	50328	-	-	-	-	((~~0.0014 (B,H)~~)) 0.000016 (F)	((~~0.0021 (B,H)~~)) 0.000016 (F)
Benzo(b) Fluoranthene	205992	-	-	-	-	((~~0.014 (B,H)~~)) 0.00016 (F)	((~~0.021 (B,H)~~)) 0.00016 (F)
Benzo(ghi) Perylene	191242	-	-	-	-	-	-
Benzo(k) Fluoranthene	207089	-	-	-	-	((~~0.014 (B,H)~~)) 0.0016 (F)	((~~0.21 (B,H)~~)) 0.0016 (F)

Compound/Chemical	Chemical Abstracts Service (CAS)#	Aquatic Life Criteria - Freshwater		Aquatic Life Criteria - Marine Water		Human Health Criteria for Consumption of:	
		Acute	Chronic	Acute	Chronic	Water & Organisms	Organisms Only
beta-BHC	319857	-	-	-	-	((~~0.0018 (B,H)~~)) 0.0013 (F)	((~~0.002 (B,H)~~)) 0.0014 (F)
beta-Endosulfan	33213659	0.22 (c,ee)	0.056 (d,ee)	0.034 (c,ee)	0.0087 (d,ee)	9.7	10
Bis(2-Chloroethoxy) Methane	111911	-	-	-	-	-	-
Bis(2-Chloroethyl) Ether	111444	-	-	-	-	((~~0.02 (B)~~)) 0.020 (F)	((~~0.06 (B)~~)) 0.060 (F)
((~~Bis(2-Chloroisopropyl)~~)) Bis(2-Chloro-1-Methylethyl) Ether	39638329	-	-	-	-	((~~- (H)~~)) 400	((~~- (H)~~)) 900
Bis(2-Ethylhexyl) Phthalate	117817	-	-	-	-	((~~0.23 (B,H)~~)) 0.045 (F)	((~~0.25 (B,H)~~)) 0.046 (F)
Bromoform	75252	-	-	-	-	((~~5.8 (B,H)~~)) 4.6 (F)	((~~27 (B,H)~~)) 12 (F)
Butylbenzyl Phthalate	85687	-	-	-	-	((~~0.56 (B,H)~~)) 0.000022 (F)	((~~0.58 (B,H)~~)) 0.000022 (F)
Carbaryl	63252	2.1 (a)	2.1 (b)	1.6 (a)	-	-	-
Carbon Tetrachloride	56235	-	-	-	-	((~~0.2 (B)~~)) 0.20 (F)	0.35 (((~~B)~~)) (F)
Chlordane	57749	2.4 (c)	0.0043 (d)	((~~0.09~~)) 0.090 (c)	((~~0.004~~)) 0.0040 (d)	((~~0.000093 (B,H)~~)) 0.000022 (F)	((~~0.000093 (B,H)~~)) 0.000022 (F)
Chloride (dissolved)	168870	860 (a,hh,jj)	230 (b,hh,jj)	-	-	-	-
Chlorine (total residual)	7782505	19 (a)	11 (b)	13 (a)	7.5 (b)	-	-
Chlorobenzene	108907	-	-	-	-	((~~380 (H)~~)) 100	((~~890 (H)~~)) 200
Chlorodibromomethane	124481	-	-	-	-	((~~0.65 (B,H)~~)) 0.060 (F)	((~~3 (B,H)~~)) 2.2 (F)
Chloroethane	75003	-	-	-	-	-	-
Chloroform	67663	-	-	-	-	((~~260 (H)~~)) 100	((~~1200 (H)~~)) 600
Chlorpyrifos	2921882	0.083 (a)	0.041 (b)	0.011 (a)	0.0056 (b)	-	-
Chrysene	218019	-	-	-	-	((~~1.4 (B,H)~~)) 0.016 (F)	((~~2.1 (B,H)~~)) 0.016 (F)
Cyanide	57125	8.2 (a,kk)	1.9 (b,kk)	1.0 (a,kk,ll)	1.0 (b,kk,ll)	((~~19 (D,H)~~)) 9.0 (G)	((~~270 (D,H)~~)) 100 (G)
delta-BHC	319868	-	-	-	-	-	-
Demeton	8065483	-	((~~0.1~~)) 0.10 (b)	-	((~~0.1~~)) 0.10 (b)	-	-
Diazinon	333415	0.17 (a)	0.17 (b)	0.82 (a)	0.82 (b)	-	-

Compound/Chemical	Chemical Abstracts Service (CAS)#	Aquatic Life Criteria - Freshwater		Aquatic Life Criteria - Marine Water		Human Health Criteria for Consumption of:	
		Acute	Chronic	Acute	Chronic	Water & Organisms	Organisms Only
Dibenzo(a,h) Anthracene	53703	-	-	-	-	((~~0.0014 (B,H)~~)) 0.000016 (F)	((~~0.0021 (B,H)~~)) 0.000016 (F)
Dichlorobromomethane	75274	-	-	-	-	((~~0.77 (B,H)~~)) 0.73 (F)	((~~3.6 (B,H)~~)) 2.8 (F)
Dieldrin	60571	0.24 (a,dd)	0.056 (b,dd)	0.71 (c,dd)	0.0019 (d,dd)	((~~0.0000061 (B,H)~~)) 0.000000070 (F)	((~~0.0000061 (B,H)~~)) 0.000000070 (F)
Diethyl Phthalate	84662	-	-	-	-	((~~4,200 (H)~~)) 200	((~~5,000 (H)~~)) 200
Dimethyl Phthalate	131113	-	-	-	-	((~~92,000 (H)~~)) 600	((~~130,000 (H)~~)) 600
Di-n-Butyl Phthalate	84742	-	-	-	-	((~~450 (H)~~)) 8.0	((~~510 (H)~~)) 8.0
Di-n-Octyl Phthalate	117840	-	-	-	-	-	-
Endosulfan Sulfate	1031078	-	-	-	-	((~~9.7 (H)~~)) 9.0	10
Endrin	72208	0.086 (a)	0.036 (b)	0.037 (c)	0.0023 (d)	((~~0.034 (H)~~)) 0.0020	((~~0.035 (H)~~)) 0.0020
Endrin Aldehyde	7421934	-	-	-	-	0.034	0.035
Ethylbenzene	100414	-	-	-	-	((~~200 (H)~~)) 29	((~~270 (H)~~)) 31
Fluoranthene	206440	-	-	-	-	((~~16 (H)~~)) 6.0	((~~16 (H)~~)) 6.0
Fluorene	86737	-	-	-	-	((~~420 (H)~~)) 10	((~~610 (H)~~)) 10
Guthion	86500	-	((~~0.01~~)) 0.010 (b)	-	((~~0.01~~)) 0.010 (b)	-	-
Hexachlorocyclohexane (gamma-BHC; Lindane)	58899	0.95 (a)	((~~0.08~~)) 0.080 (d)	0.16 (c)	-	((~~15 (H)~~)) 0.43	((~~17 (H)~~)) 0.43
Heptachlor	76448	0.52 (c)	0.0038 (d)	0.053 (c)	0.0036 (d)	((~~0.0000099 (B,H)~~)) 0.00000034 (F)	((~~0.00001 (B,H)~~)) 0.00000034 (F)
Heptachlor Epoxide	1024573	-	-	-	-	((~~0.0000074 (B,H)~~)) 0.0000024 (F)	((~~0.0000074 (B,H)~~)) 0.0000024 (F)
Hexachlorobenzene	118741	-	-	-	-	((~~0.000051 (B,H)~~)) 0.0000050 (F)	((~~0.000052 (B,H)~~)) 0.0000050 (F)
Hexachlorobutadiene	87683	-	-	-	-	((~~0.69 (B,H)~~)) 0.010 (F)	((~~4.1 (B,H)~~)) 0.010 (F)
Hexachlorocyclopentadiene	77474	-	-	-	-	((~~150 (H)~~)) 1.0	((~~630 (H)~~)) 1.0
Hexachloroethane	67721	-	-	-	-	((~~0.11 (B,H)~~)) 0.20 (F)	((~~0.13 (B,H)~~)) 0.20 (F)

Compound/Chemical	Chemical Abstracts Service (CAS)#	Aquatic Life Criteria - Freshwater		Aquatic Life Criteria - Marine Water		Human Health Criteria for Consumption of:	
		Acute	Chronic	Acute	Chronic	Water & Organisms	Organisms Only
Indeno(1,2,3-cd) Pyrene	193395	-	-	-	-	((~~0.014~~ (~~B,H~~))) 0.00016 (F)	((~~0.021~~ (~~B,H~~))) 0.00016 (F)
Isophorone	78591	-	-	-	-	27 (((~~B~~))) (F)	110 (((~~B~~))) (F)
Malathion	121755	-	((~~0.1~~)) 0.10 (b)	-	((~~0.1~~)) 0.10 (b)	-	-
Methoxychlor	72435	-	((~~0.03~~)) 0.030 (b)	-	((~~0.03~~)) 0.030 (b)	-	-
Methyl Bromide	74839	-	-	-	-	((~~520~~ (~~H~~))) 300	((~~2,400~~)) 2400
Methyl Chloride	74873	-	-	-	-	-	-
Methylene Chloride	75092	-	-	-	-	((~~16~~ (~~B,H~~))) 10 (F)	((~~250~~ (~~B,H~~))) 100 (F)
Mirex	2385855	-	((~~0.001~~)) 0.0010 (b)	-	((~~0.001~~)) 0.0010 (b)	-	-
N-(1,3-Dimethylbutyl)-N'-phenyl-p-phenylenediamine-quinone (((~~6PPD-q~~))) (6PPD-quinone)		0.012 (a)	-	-	-	-	-
Napthalene	91203	-	-	-	-	-	-
Nitrobenzene	98953	-	-	-	-	((~~55~~ (~~H~~))) 30	((~~320~~ (~~H~~))) 100
N-Nitrosodimethylamine	62759	-	-	-	-	0.00065 (((~~B~~))) (F)	0.34 (((~~B~~))) (F)
N-Nitrosodi-n-Propylamine	621647	-	-	-	-	0.0044 (((~~B~~))) (F)	0.058 (((~~B~~))) (F)
N-Nitrosodiphenylamine	86306	-	-	-	-	0.62 (((~~B~~))) (F)	0.69 (((~~B~~))) (F)
Nonylphenol	84852153	28 (a)	6.6 (b)	((~~7~~)) 7.0 (a)	1.7 (b)	-	-
Parathion	56382	0.065 (a)	0.013 (b)	-	-	-	-
Pentachlorophenol (PCP)	87865	(a,mm)	(b,nn)	13 (a)	6.7 (b)	((~~0.046~~ (~~B,H~~))) 0.0020 (F)	((~~0.1~~ (~~B,H~~))) 0.0020 (F)
Perfluorooctane sulfonic acid (PFOS)		3000 (a)	(oo)	550 (a)	-	-	-
Perfluorooctanoic acid (PFOA)		49000 (a)	(pp)	7000 (a)	-	-	-
Phenanthrene	85018	-	-	-	-	-	-
Phenol	108952	-	-	-	-	((~~18,000~~ (~~H~~))) 9000	((~~200,000~~ (~~H~~))) 70000
Polychlorinated Biphenyls (PCBs)		2.0 (d)	0.014 (d)	((~~10.0~~)) 10 (d)	((~~0.03~~)) 0.030 (d)	((~~0.00017~~ (~~E,H~~))) 0.0000070 (H)	((~~0.00017~~ (~~E,H~~))) 0.0000070 (H)
Pyrene	129000	-	-	-	-	((~~310~~ (~~H~~))) 8.0	((~~460~~ (~~H~~))) 8.0
Tetrachloroethylene	127184	-	-	-	-	((~~4.9~~ (~~B,H~~))) 2.4 (F)	((~~7.1~~ (~~B,H~~))) 2.9 (F)
Toluene	108883	-	-	-	-	((~~180~~ (~~H~~))) 72	((~~410~~ (~~H~~))) 130

Compound/Chemical	Chemical Abstracts Service (CAS)#	Aquatic Life Criteria - Freshwater		Aquatic Life Criteria - Marine Water		Human Health Criteria for Consumption of:	
		Acute	Chronic	Acute	Chronic	Water & Organisms	Organisms Only
Toxaphene	8001352	0.73 (a)	((~~0.0002~~)) 0.00020 (b)	0.21 (a)	((~~0.0002~~)) 0.00020 (b)	0.000032 (((~~B~~))) (F)	0.000032 (((~~B~~))) (F)
Tributyltin		0.46 (a)	0.072 (b)	0.42 (a)	0.0074 (b)	-	-
Trichloroethylene	79016	-	-	-	-	((~~0.38 (B,H)~~)) 0.30 (F)	((~~0.86 (B,H)~~)) 0.70 (F)
Vinyl Chloride	75014	-	-	-	-	((~~0.02 (B,F)~~)) 0.020 (F)	((~~0.26 (B,F,H)~~)) 0.18 (F)

Footnotes for aquatic life criteria in Table 240:

a. A 1-hour average concentration not to be exceeded more than once every three years on the average.
b. A 4-day average concentration not to be exceeded more than once every three years on average.
c. An instantaneous concentration not to be exceeded at any time.
d. A 24-hour average not to be exceeded at any time.
e. Criteria are calculated using the Aluminum Criteria Calculator V.2.0 that is published in EPA's "Final Aquatic Water Quality Criteria for Aluminum 2018" (EPA-822-R-1-001). Default criteria values were calculated for EPA Level II ecoregions and are applicable in the absence of water body or site-specific water quality data. The freshwater default acute criterion in the Western Cordillera ecoregion is 288 µg/L, 630 µg/L is the default acute criterion in the Marine West Coast Forest ecoregion, and 1400 µg/L is the default acute criterion in the Cold Desert ecoregion. The freshwater default chronic criterion in the Western Cordillera ecoregion is 180 µg/L, 302 µg/L is the default chronic criterion in the Marine West Coast Forest ecoregion, and 720 µg/L is the default chronic criterion in the Cold Desert ecoregion. The default criterion is used in the absence of concurrently sampled pH, hardness, and dissolved organic carbon for a site-specific location or water body. Criteria calculated using concurrently sampled pH, hardness, and dissolved organic carbon for a specific water body supersede the default criteria. The aluminum criteria are based on aluminum toxicity studies where aluminum was analyzed using total recoverable analytical methods. Washington may utilize total recoverable analytical methods to implement the criteria. For characterizing ambient waters, Washington may also utilize, as scientifically appropriate and as allowable by state and federal regulations, analytical methods that measure the bioavailable fraction of aluminum (e.g., utilizing a less aggressive initial acid digestion, such as to a pH of approximately 4 or lower, that includes the measurement of amorphous aluminum hydroxide yet minimizes the measurement of mineralized forms of aluminum such as aluminum silicates associated with suspended sediment particles or clays). Washington shall use measurements of total recoverable aluminum where required by federal regulations.
f. These ambient criteria in the table are for the dissolved fraction. The cyanide criteria are based on the weak acid dissociable method. The metals criteria may not be used to calculate total recoverable effluent limits unless the seasonal partitioning of the dissolved to total metals in the ambient water are known. When this information is absent, these metals criteria shall be applied as total recoverable values, determined by back-calculation, using the conversion factors incorporated in the criterion equations. Metals criteria may be adjusted on a site-specific basis when data are made available to the department clearly demonstrating the effective use of the water effects ratio approach established by USEPA, as generally guided by the procedures in USEPA Water Quality Standards Handbook, December 1983, as supplemented or replaced by USEPA or ecology. The adjusted site-specific criteria are not in effect until they have been incorporated into this chapter and approved by EPA. Information which is used to develop effluent limits based on applying metals partitioning studies or the water effects ratio approach shall be identified in the permit fact sheet developed pursuant to WAC 173-220-060 or 173-226-110, as appropriate, and shall be made available for the public comment period required pursuant to WAC 173-220-050 or 173-226-130(3), as appropriate. Ecology has developed supplemental guidance for conducting water effect ratio studies.
g. Marine conversion factors (CF) which were used for calculating dissolved metals concentrations are given below. Conversion factors are applicable to both acute and chronic criteria for all metals except mercury. The CF for mercury was applied to the acute criterion only and is not applicable to the chronic criterion. Conversion factors are already incorporated into the criteria in the table. Dissolved criterion = criterion x CF

Metal	CF
Arsenic	1.000
Cadmium	0.994
Chromium (VI)	0.993
Copper	0.83
Lead	0.951
Mercury	0.85
Nickel	0.990
Selenium	0.998
Silver	0.85
Zinc	0.946

h. Acute criterion = (CF)($e^{(0.9789[\ln(\text{hardness})] - 4.189)}$). Conversion factor (CF) is hardness dependent. CF is calculated for other hardnesses as follows: CF = 1.136672 - [(ln hardness)(0.041838)].
i. Chronic criterion = (CF)($e^{(0.7977[\ln(\text{hardness})] - 4.446)}$). Conversion factor (CF) is hardness dependent. CF is calculated for other hardnesses as follows: CF = 1.101672 - [(ln hardness)(0.041838)].
j. Where methods to measure trivalent chromium are unavailable, these criteria are to be represented by total-recoverable chromium.
k. Acute criterion = (0.316)($e^{(0.8190[\ln(\text{hardness})] + 3.533)}$)
l. Chronic criterion = (0.860)($e^{(0.8190[\ln(\text{hardness})] + 0.4921)}$)
m. The conversion factor used to calculate the dissolved metal concentration is 0.982.
n. The conversion factor used to calculate the dissolved metal concentration is 0.962.
o. The acute criterion is represented by the higher criteria value of the two equations: 1) Acute criterion = $e^{(0.700*\ln(\text{DOC}) + 0.579*\ln(\text{hardness}) + 0.778*\text{pH} - 6.738)}$ and 2) Acute criterion = $e^{(0.855*\ln(\text{DOC}) + 0.221*\ln(\text{hardness}) + 0.216*\text{pH} - 1.183)}$. Default criteria values were calculated for EPA Level II ecoregions and are applicable in the absence of water body or site-specific water quality data. The freshwater default acute criterion in the Western Cordillera ecoregion is 1.4 µg/L, 2.4 µg/L is the default acute criterion in the Marine West Coast Forest ecoregion, and 4.8 µg/L is the default acute criterion in the Cold Desert ecoregion. The default criterion is used in the absence of concurrently sampled pH, hardness, and dissolved organic carbon for a site-specific location or water body. Criteria calculated using concurrently sampled pH, hardness, and dissolved organic carbon for a specific water body supersede the default criteria.

p. Chronic criterion = $e^{(0.855*\ln(DOC) + 0.221*\ln(hardness) + 0.216*pH - 1.402)}$. Default criteria values were calculated for EPA Level II ecoregions and are applicable in the absence of water body or site-specific water quality data. The freshwater default chronic criterion in the Western Cordillera ecoregion is 1.2 µg/L, 1.8 µg/L is the default chronic criterion in the Marine West Coast Forest ecoregion, and 3.2 µg/L is the default chronic criterion in the Cold Desert ecoregion. 1.6 µg/L is applicable in western Washington and 1.8 µg/L is the applicable default chronic criterion in eastern Washington. The default criterion is used in the absence of concurrently sampled pH, hardness, and dissolved organic carbon for a site-specific location or water body. Criteria calculated using concurrently sampled pH, hardness, and dissolved organic carbon for a specific water body supersede the default criteria.

q. Acute criterion = (CF)($e^{(1.273[\ln(hardness)] - 1.460)}$). Conversion factor (CF) is hardness dependent. CF is calculated for other hardnesses as follows: CF = 1.46203 - [(ln hardness)(0.145712)].

r. Chronic criterion = (CF)($e^{(1.273[\ln(hardness)] - 4.705)}$). Conversion factor (CF) is hardness dependent. CF is calculated for other hardnesses as follows: CF = 1.46203 - [(ln hardness)(0.145712)].

s. The conversion factor used to calculate the dissolved metal concentration is 0.85.

t. These criteria are based on the total-recoverable fraction of the metal.

u. If the four-day average chronic concentration is exceeded more than once in a three-year period, the edible portion of the consumed species should be analyzed. Said edible tissue concentrations shall not be allowed to exceed 1.0 mg/kg of methylmercury.

v. Acute criterion = (0.998)($e^{(0.8460[\ln(hardness)] + 0.1667)}$)

w. Chronic criterion = (0.997)($e^{(0.8460[\ln(hardness)] - 1.466)}$)

x. There is no freshwater acute criterion for aquatic life for selenium. The freshwater chronic criterion is expected to adequately protect against acute effects.

y. Freshwater chronic selenium criteria:

15.1 mg/kg dry weight (egg-ovary tissue)[1]
8.5 mg/kg dry weight (whole-body tissue)[2]
11.3 mg/kg dry weight (muscle tissue)[2]
1.5 µg/L (water lentic)[3]
3.1 µg/L (water lotic)[3]

$$WQC_{int} = WQC - C_{bkgrnd}\,(1 - f_{int}) / f_{int} \text{ (water lentic or lotic)}^{3,4}$$

[1] Egg-ovary supersedes any whole-body, muscle, or water column element when fish egg-ovary concentrations are measured, except as noted in footnote 4. Tissue criterion is not to be exceeded.

[2] Fish whole-body or muscle tissue supersedes the water column element when both fish tissue and water concentrations are measured, except as noted in footnote 4. Tissue criterion is not to be exceeded.

[3] Water column values are based on dissolved total selenium in water and are derived from fish tissue values via bioaccumulation modeling. When selenium inputs are increasing, water column values are the applicable criterion element in the absence of steady-state condition fish tissue data. Water column criteria are based on a 30-day average concentrations, except for WQC_{int} (see footnote 4). Water column criteria are not to be exceeded more than once every three years on average.

[4] Where WQC_{int} is the intermittent exposure concentration in µg/L; WQC is the applicable water column element, for either lentic or lotic waters; C_{bkgrnd} is the average daily background concentration occurring during the remaining time, integrated over 30 days; f_{int} is the fraction of any 30-day period during which elevated selenium concentrations occur, with f_{int} assigned a value ≥ 0.033 (corresponding to one day). Intermittent exposure criteria averaging period is the number of days per month with an elevated concentration.

z. Acute criterion = (0.85)($e^{(1.72[\ln(hardness)] - 8.590)}$)

aa. Chronic criterion = (0.85)($e^{(1.72[\ln(hardness)] - 9.511)}$)

bb. Acute criterion = (0.978)($e^{(0.8473[\ln(hardness)] + 0.3313)}$)

cc. Chronic criterion = (0.986)($e^{(0.8473[\ln(hardness)] - 0.6900)}$)

dd. Aldrin is metabolically converted to Dieldrin. Therefore, the sum of the Aldrin and Dieldrin concentrations are compared with the Dieldrin criteria.

ee. This value was derived from data for endosulfan. Where concentrations for both alpha-endosulfan and beta-endosulfan are available, the sum of alpha-endosulfan and beta-endosulfan concentrations shall be compared to the criteria.

ff. Shall not exceed the numerical value in total ammonia nitrogen (mg N/L) given by:

For salmonids present:

$$\frac{0.275}{1 + 10^{7.204-pH}} + \frac{39.0}{1 + 10^{pH-7.204}}$$

For salmonids absent:

$$\frac{0.411}{1 + 10^{7.204-pH}} + \frac{58.4}{1 + 10^{pH-7.204}}$$

gg. Shall not exceed the numerical concentration calculated as follows:

Unionized ammonia concentration for waters where salmonid habitat is an existing or designated use:

$$0.80 \div (FT)(FPH)(RATIO)$$

where:
RATIO = 13.5; $7.7 \le pH \le 9$
RATIO = $(20.25 \times 10^{(7.7-pH)}) \div (1 + 10^{(7.4-pH)})$; $6.5 \le pH \le 7.7$
FT = 1.4; $15 \le T \le 30$
FT = $10^{[0.03(20-T)]}$; $0 \le T \le 15$
FPH = 1; $8 \le pH \le 9$
FPH = $(1 + 10^{(7.4-pH)}) \div 1.25$; $6.5 \le pH \le 8.0$

Total ammonia concentrations for waters where salmonid habitat is not an existing or designated use and other fish early life stages are absent:

$$Chronic\ Criterion = \left(\frac{0.0577}{1 + 10^{7.688-pH}} + \frac{2.487}{1 + 10^{pH-7.688}}\right) \times \left(1.45 \times 10^{0.028(25-A)}\right)$$

where: A = the greater of either T (temperature in degrees Celsius) or 7.

Applied as a 30-day average concentration of total ammonia nitrogen (in mg N/L) not to be exceeded more than once every three years on average. The highest four-day average within the 30-day period should not exceed 2.5 times the chronic criterion.

Total ammonia concentration for waters where salmonid habitat is not an existing or designated use and other fish early life stages are present:

$$Chronic\ Criterion = \left(\frac{0.0577}{1 + 10^{7.688-pH}} + \frac{2.487}{1 + 10^{pH-7.688}}\right) \times B$$

where: B = the lower of either 2.85, or 1.45 x $10^{0.028 \times (25-T)}$. T = temperature in degrees Celsius.

Applied as a 30-day average concentration of total ammonia nitrogen (in mg N/L) not to be exceeded more than once every three years on the average. The highest four-day average within the 30-day period should not exceed 2.5 times the chronic criterion.

hh. Measured in milligrams per liter rather than micrograms per liter.

ii. The listed freshwater criteria are based on un-ionized or total ammonia concentrations, while those for marine water are based on un-ionized ammonia concentrations. Tables for the conversion of total ammonia to un-ionized ammonia for freshwater can be found in the USEPA's Quality Criteria for Water, 1986. Criteria concentrations based on total ammonia for marine water can be found in USEPA Ambient Water Quality Criteria for Ammonia (Saltwater)-1989, EPA440/5-88-004, April 1989.

jj. Criterion based on dissolved chloride in association with sodium. This criterion probably will not be adequately protective when the chloride is associated with potassium, calcium, or magnesium, rather than sodium.

kk. The criteria for cyanide is based on the weak acid dissociable method in the 19th Ed. Standard Methods for the Examination of Water and Wastewater, 4500-CN I, and as revised (see footnote f, above).

ll. The cyanide criteria are: 2.8 µg/L chronic and 9.1 µg/L acute and are applicable only to waters which are east of a line from Point Roberts to Lawrence Point, to Green Point to Deception Pass; and south from Deception Pass and of a line from Partridge Point to Point Wilson. The chronic criterion applicable to the remainder of the marine waters is l µg/L.

mm. Acute criterion = $e^{[1.005(pH) - 5.450]}$

nn. Chronic criterion = $e^{[1.005(pH) - 6.155]}$

oo. Freshwater chronic PFOS criteria:

8.4 µg/L (water)[1,2]
0.937 mg/kg ww (invertebrate whole-body)[1,3,4]
6.75 mg/kg ww (fish whole-body)[1,3,4]
2.91 mg/kg ww (fish muscle)[1,3,4]

[1] All water column and tissue criteria are intended to be independently applicable for compliance determinations and no one criterion takes primacy.
[2] Water column criteria are based on a four-day average concentration not to be exceeded more than once every three years on average.
[3] Tissue criteria derived from the chronic water column concentration with the use of bioaccumulation factors and are expressed as wet weight (ww) concentrations.
[4] Tissue data is an instantaneous point measurement that reflect integrative accumulation of PFOS over time and space. Criteria are not to be exceeded more than once every 10 years on average.

pp. Freshwater chronic PFOA criteria:

94 µg/L (water)[1,2]
1.11 mg/kg ww (invertebrate whole-body)[1,3,4]
6.10 mg/kg ww (fish whole-body)[1,3,4]
0.125 mg/kg ww (fish muscle)[1,3,4]

[1] All water column and tissue criteria are intended to be independently applicable for compliance determinations and no one criterion takes primacy.
[2] Water column criteria are based on a four-day average concentration not to be exceeded more than once every three years on average.
[3] Tissue criteria derived from the chronic water column concentration with the use of bioaccumulation factors and are expressed as wet weight (ww) concentrations.
[4] Tissue data is an instantaneous point measurement that reflect integrative accumulation of PFOS over time and space. Criteria are not to be exceeded more than once every 10 years on average.

Footnotes for human health criteria in Table 240:

A. ((~~This criterion for total arsenic is the maximum contaminant level (MCL) developed under the Safe Drinking Water Act. The MCL for total arsenic is applied to surface waters where consumption of organisms-only and where consumption of water + organisms reflect the designated uses. When the department determines that a direct or indirect industrial discharge to surface waters designated for domestic water supply may be adding arsenic to its wastewater, the department will require the discharger to develop and implement a pollution prevention plan to reduce arsenic through the use of AKART. Industrial wastewater discharges to a privately or publicly owned wastewater treatment facility are considered indirect discharges.~~

~~B. This criterion was calculated based on an additional lifetime cancer risk of one-in-one-million (1 x 10^{-6} risk level).~~

~~C. This criterion is based on a regulatory level developed under the Safe Drinking Water Act.~~

~~D.~~)) These criteria were promulgated for Washington in the National Toxics Rule at 40 C.F.R. 131.36 and are moved to 40 C.F.R. 131.45 to have one comprehensive human health criteria rule for Washington.

B. This criterion refers to the inorganic form of arsenic only.

C. This criterion is based on a regulatory level developed under the Safe Drinking Water Act.

D. EPA has removed Washington from the National Toxics Rule at 40 C.F.R. 131.36 for mercury and promulgated new human health criteria for methylmercury in the EPA's final federal rule at 40 C.F.R. 131.45.

E. This criterion is expressed as the fish tissue concentration of methylmercury (mg methylmercury/kg fish). See Water Quality Criterion for the Protection of Human Health: Methylmercury (EPA-823-R-01-001, January 3, 2001) for how this value is calculated using the criterion equation in EPA's 2000 Human Health Methodology rearranged to solve for a protective concentration in fish tissue rather than in water.

F. This criterion was calculated based on an additional lifetime cancer risk of one-in-one-million (1 × 10^{-6} risk level).

G. This recommended water quality criterion is expressed as total cyanide, even though the integrated risk information system RfD used to derive the criterion is based on free cyanide. The multiple forms of cyanide that are present in ambient water have significant differences in toxicity due to their differing abilities to liberate the CN-moiety. Some complex cyanides require even more extreme conditions than refluxing with sulfuric acid to liberate the CN-moiety. Thus, these complex cyanides are expected to have little or no "bioavailability" to humans. If a substantial fraction of the cyanide present in a water body is present in a complexed form (e.g., Fe4[Fe(CN)6]3), this criterion may be overly conservative.

((~~E.~~)) This criterion applies to total PCBs, (e.g., the sum of all congener or all isomer or homolog or Aroclor analyses). ((~~The PCBs criteria were calculated~~

H. ~~using a chemical-specific risk level of 4 x 10^{-5}. Because that calculation resulted in a higher (less protective) concentration than the current criterion concentration (40 C.F.R. 131.36) the state made a chemical-specific decision to stay at the current criterion concentration.~~

~~F. This criterion was derived using the cancer slope factor of 1.4 (linearized multistage model with a twofold increase to 1.4 per mg/kg-day to account for continuous lifetime exposure from birth).~~

~~G. EPA has removed Washington from the National Toxics Rule at 40 C.F.R. 131.36 for mercury and promulgated new human health criteria for methylmercury in the EPA's final federal rule at 40 C.F.R. 131.45.~~

H. ~~Human health criteria applicable for Clean Water Act purposes in the state of Washington are contained in 40 C.F.R. 131.45 and effective as of December 19, 2022 (87 FR 69183).~~))

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.