

Ohio River Valley Water Sanitation Commission

POLLUTION CONTROL STANDARDS for discharges to the Ohio River

2003 Revision

I. AUTHORITY AND PURPOSE

The Ohio River Valley Water Sanitation Compact (the Compact) was signed in 1948 by the Governors of the States of Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, Virginia, and West Virginia, following the consent of the United States Congress and enactment of the Compact into law by the legislatures of the eight states. The Compact created the Ohio River Valley Water Sanitation Commission (the Commission) as a body corporate with powers and duties set forth in it for the purpose of abating water pollution within the Compact District. Article I of the Compact mandates that all waters in the District be placed and maintained in a satisfactory, sanitary condition, available for certain beneficial uses. It is the mission of the Commission to insure protection of these uses and to preserve the waters for other legitimate purposes.

The Compact grants the Commission authority to carry out its mission. Article VI states that “the guiding principle of this Compact shall be that pollution by sewage or industrial wastes originating within a signatory State shall not injuriously affect the various uses of the interstate waters.” Minimum requirements for the treatment of sewage and industrial waste then are established in Article VI, as well as the authority of the Commission to require higher degrees of treatment where they are determined to be necessary after investigation, due notice, and hearing. Article VI concludes by authorizing the Commission to “adopt, prescribe, and promulgate rules, regulations and standards for administering and enforcing the provisions of this article.”

Article IX of the Compact grants the Commission authority to issue orders, after investigation and hearing, for the purpose of achieving compliance with its standards. Any court of general jurisdiction or any United States District Court in the signatory states may be used by the Commission in order to enforce such orders.

It is the policy of the Commission to rely on the member states for the primary enforcement of its standards. Each of the member states is authorized to do so under the legislation that enabled its membership in the Compact. Each of the member states is authorized to administer the federal/state National Pollutant Discharge Elimination System (NPDES) as established in Section 402 of the Federal Clean Water Act. Sections 301(b)(1)(C) and 510 of the Federal Act require that permits issued under that system incorporate applicable standards promulgated by an interstate agency wherever they are more stringent than comparable state or federal standards. The NPDES permits are therefore the primary means by which the Commission's Standards are implemented and enforced.

These standards set forth the uses to be protected in the Ohio River (Section III), as established in the Compact; establish water quality criteria to assure that those uses will be achieved (Section IV), and set waste water discharge requirements (Section V) needed to attain the water quality criteria. The standards also recognize the rights of individual states to adopt and apply more stringent regulations.

Specific waste water discharge requirements are established in these regulations and must be incorporated into discharge permits issued under the authority of the NPDES or state discharge permitting programs when they are more stringent than:

1. applicable U.S. EPA technology-based effluent guidelines required under Sections 301, 304, 306, and 307 of the Federal Clean Water Act, or
2. any state treatment requirements, effluent standards, or water quality-based effluent limits.

In the absence of promulgated Federal effluent guidelines pursuant to Sections 301, 304, 306, and 307 of the Clean Water Act, the Compact signatory states have the responsibility to establish effluent limitations to be included in any discharge permit, consistent with the standards contained herein using Best Professional Judgment on a case-by-case basis.

II. DEFINITIONS

- A. "Acute criteria" means the highest concentrations of toxic substances to which organisms can be exposed for a brief period of time (as measured by approved short-term exposure tests) without causing mortality or other unacceptable effects.
- B. "Biological integrity" means the ability of an aquatic ecosystem to support and maintain a balanced, integrated, adaptive community of organisms having a species composition, diversity, and functional organization comparable to those best attainable given ecoregional attributes and the modified habitat types of the river.

- C. “Chronic Criteria” means the highest concentrations of toxic substances to which organisms can be exposed indefinitely without causing long-term harmful effects on growth and/or reproduction or other unacceptable effects (as measured by approved long-term exposure tests).
- D. “Combined Sewer Overflow” means a discharge from a sewer system designed to convey sanitary waste waters and storm water through a single-pipe system to a treatment facility, at a point in the system prior to the treatment facility.
- E. “Compact,” as used in these regulations, means the Ohio River Valley Water Sanitation Compact and is an agreement entered into by and between the states of Indiana, West Virginia, Ohio, New York, Illinois, Kentucky, Pennsylvania, and Virginia, which pledges each to the other of the signatory states faithful cooperation in the control of existing and future pollution of the waters in the Ohio River Basin. This Compact created the Ohio River Valley Water Sanitation Commission.
- F. “Cooling Water” means water used as a heat transfer medium for once-through cooling or cooling tower blow down to which no industrial wastes, toxic wastes, residues from potable water treatment plants, untreated sewage, or other wastes, exclusive of antifouling agents approved by the appropriate regulatory agencies, are added prior to discharge.
- G. “Contact Recreation” means recreational activities where the human body may come in direct contact with water of the Ohio River.
- H. “Early Life Stages” of fish means the pre-hatch embryonic period, the post-hatch free embryo or yolk-sac fry, and the larval period, during which the organism feeds. Juvenile fish, which are anatomically rather similar to adults, are not considered an early life stage.
- I. “Industrial Wastes” means any liquid, gaseous, solid materials or waste substances or combination thereof other than cooling water as herein defined, resulting from any process or operation including storage and transportation, manufacturing, commercial, agricultural, and government operations.
- J. “Mixing Zone” means that portion of the water body receiving a discharge where effluent and receiving waters are not totally mixed and uniform with the result that the zone is not representative of the receiving waters and may not meet all ambient water quality standards or other requirements of any signatory state applicable to the particular receiving waters.
- K. “Net Discharge” is determined by excluding the amount of a pollutant in the intake water when determining the quality of a discharge if both the intake and discharge are from and to the same body of water.
- L. “96 hour LC₅₀” as used in these regulations, means the concentration of a substance that kills 50 percent of the test organisms within 96 hours. The test organisms shall be representative important species indigenous to the Ohio River or standard test organisms.

- M. The “Ohio River,” as used in these regulations, extends from the point of confluence of the Allegheny and Monongahela rivers at Pittsburgh, Pennsylvania, designated as Ohio River mile point 0.0 to Cairo Point, Illinois, located at the confluence of the Ohio and Mississippi Rivers, 981.0 miles downstream from Pittsburgh.
- N. “Ohio River Valley Water Sanitation Commission” (the Commission) means a body corporate created by authority of the Compact and is the operating agency established to implement the Compact. It consists of three representatives of each signatory state and three representatives of the federal government.
- O. “Other Wastes” means any waste other than sewage, cooling water, residues from potable water treatment plants, industrial wastes or toxic wastes which, if discharged to the Ohio River, could cause or contribute to any violations of these regulations, or of any water quality standards of any signatory state, or which may be deleterious to the designated uses. Other wastes include, but are not limited to: garbage, refuse, decayed wood, sawdust, shavings, bark and other wood debris and residues resulting from secondary processing, sand, lime cinders, ashes, offal, night soil, silt, oil, tar, dyestuffs, acids, chemicals, heat or other materials and substances not sewage or industrial wastes which may cause or might reasonably be expected to cause or contribute to the pollution of the Ohio River.
- P. “Persistent Substances” means those substances that have a half-life for degradation under natural environmental conditions of more than four days. All other substances are non-persistent.
- Q. “Pollution” means the human-made or human-induced alteration of the chemical, physical, biological and radiological integrity of the waters of the Ohio River.
- R. “Representative Aquatic Species” means those species of aquatic life whose protection and propagation will assure the sustained presence of a balanced indigenous community. Such species are representative in the sense that maintenance of suitable water quality conditions will assure the overall protection and sustain propagation of the balanced, indigenous community.
- S. “Residues from Potable Water Treatment Plants” means those wastes emanating from processes used in water purification. Such processes may include sedimentation, chemical coagulation, filtration, iron and manganese removal, softening and disinfection.
- T. “Sewage” means water-carried human or animal wastes from such sources as residences; industrial, commercial, or government establishments; public or private institutions; or other places. For the purposes of these standards, mixture of sewage with industrial wastes, toxic wastes, or other wastes, shall be subject to treatment requirements for those types of wastes, but shall also be regarded as sewage.

- U. “Substantially Complete Removal” means removal to the lowest practicable level attainable with current technology.
- V. “Toxic Wastes” means wastes containing substances or combinations of substances in concentrations which might reasonably be expected to cause death, disease, behavioral abnormalities, genetic mutations, physiological malfunctions, including those in reproduction, or physical deformations in fish, other aquatic life, wildlife, livestock, or humans.
- W. “Waste water” means sewage and/or industrial wastes as herein defined.

III. DESIGNATED USES

The Ohio River, as hereinbefore defined, has been designated by the Compact as available for safe and satisfactory use as public and industrial water supplies after reasonable treatment, suitable for recreational usage, capable of maintaining fish and other aquatic life, and adaptable to such other uses as may be legitimate. It is the purpose of these Pollution Control Standards to safeguard the waters of the Ohio River for these designated uses. No degradation of the water quality of the Ohio River that would interfere with or become injurious to these uses shall be permitted.

IV. WATER QUALITY CRITERIA

A. General

The minimum conditions which the waste water discharge requirements (Section V) are intended to achieve in the receiving waters outside the mixing zone are as follows:

1. Freedom from anything that will settle to form objectionable sludge deposits which interfere with designated water uses.
2. Freedom from floating debris, scum, oil and other floating material in amounts sufficient to be unsightly or deleterious.
3. Freedom from materials producing color or odors to such a degree as to create unaesthetic conditions or a nuisance.
4. Freedom from substances in concentrations which are toxic or harmful to humans, animals, or fish and other aquatic life; which would in any manner adversely affect the flavor, color, odor, or edibility of fish and other aquatic life, wildlife, or livestock; or which are otherwise detrimental to the designated uses specified in Section III.

B. Aquatic Life Protection

To provide protection of warm water aquatic life habitats, the following criteria shall be met outside the mixing zone:

1. BIOLOGICAL:

The biological integrity of the Ohio River shall be protected and preserved.

2. DISSOLVED OXYGEN:

The average concentration shall be at least 5.0 mg/L for each calendar day; the minimum concentration shall not be less than 4.0 mg/L. During the April 15-June 15 spawning season, a minimum concentration of 5.0 mg/L shall be maintained at all times.

3. TEMPERATURE:

Allowable stream temperatures are:

<u>Month/Date</u>	<u>Period Average</u>		<u>Instantaneous Maximum</u>	
January 1-31	45°F	7.2°C	50°F	10.0°C
February 1-29	45	7.2	50	10.0
March 1-15	51	10.6	56	13.3
March 16-31	54	12.2	59	15.0
April 1-15	58	14.4	64	17.8
April 16-30	64	17.8	69	20.6
May 1-15	68	20.0	73	22.8
May 16-31	75	23.9	80	26.7
June 1-15	80	26.7	85	29.4
June 16-30	83	28.3	87	30.6
July 1-31	84	28.9	89	31.7
August 1-31	84	28.9	89	31.7
September 1-15	84	28.9	87	30.6
September 16-30	82	27.8	86	30.0
October 1-15	77	25.0	82	27.8
October 16-31	72	22.2	77	25.0
November 1-30	67	19.4	72	22.2
December 1-31	52	11.1	57	13.9

4. pH:

No value below 6.0 standard units nor above 9.0 standard units.

5. AMMONIA:

- a. Acute Criterion Concentration: The one-hour average concentration of total ammonia-nitrogen (mg/L) shall not exceed, more than once every three years on the average, the ACC (acute criterion) calculated using the following equation:

$$ACC = \frac{0.411}{1 + 10^{(7.204 - pH)}} + \frac{58.4}{1 + 10^{(pH - 7.204)}}$$

- b. Chronic Criterion Concentration: The 30-day average concentration of total ammonia-nitrogen (in mg/L) shall not exceed, more than once every three years, the CCC (chronic criterion) calculated using the following equations:

- i. When fish early life stages are present (from March 1 to October 31):

$$CCC = \left(\frac{0.0577}{1 + 10^{(7.688 - pH)}} + \frac{2.487}{1 + 10^{(pH - 7.688)}} \right) * MIN \left[2.85 \text{ or } (1.45 * 10^{0.028 * (25 - T)}) \right]$$

Where:

T = Temperature, °C

Note: For the above equation, multiply the parenthetical equation by 2.85 when temperature is less than or equal to 14.51°C. When temperature is greater than 14.51°C, multiply the parenthetical equation by $(1.45 * 10^{(0.028 * (25 - T))})$.

- ii. When fish early life stages are absent (from November 1 to the last day of February):

$$CCC = \left(\frac{0.0577}{1 + 10^{(7.688 - pH)}} + \frac{2.487}{1 + 10^{(pH - 7.688)}} \right) * (1.45 * 10^{0.028 * (25 - (MAX [Tor7]))})$$

Where:

T = Temperature, °C

Note: For the above equation, the last term should be $10^{(0.028 * (25 - T))}$ for all temperatures greater than 7°C. When temperatures are 7°C or less, the last term in the equation should be $10^{(0.028 * (25 - 7))}$ or $10^{(0.504)}$.

- iii. In addition, the highest four-day average within the 30-day period should not exceed 2.5 times the chronic criterion.

Acute and chronic criteria concentrations for total ammonia-nitrogen (in mg/L) for different combinations of pH and temperature are shown in Appendix A.

6. CHEMICAL CONSTITUENTS:

a. Not to exceed the following concentrations:

Constituent	Chronic Criterion Concentration (µg/L)	Acute Criterion Concentration (µg/L)
Arsenic (dissolved)	150	340
Chromium (VI)(dissolved)	11	16
Cyanide (free)	5.2	22
Mercury (dissolved)	0.77	1.4
Selenium (total)	5	20

b. For constituents with criteria dependent upon water hardness, dissolved metals acute aquatic life criteria shall be calculated as the total recoverable acute criterion multiplied by the conversion factor according to the table below.

Constituent	Total Recoverable Acute Criterion (µg/L)	Dissolved Criterion Conversion Factor
Cadmium	$e^{(1.128(\ln \text{Hard})-3.6867)}$	$1.136672-[\ln(\text{Hard})*0.041838]$
Chromium (III)	$e^{(0.819(\ln \text{Hard})+3.7256)}$	0.316
Copper	$e^{(0.9422(\ln \text{Hard})-1.700)}$	0.960
Lead	$e^{(1.273(\ln \text{Hard})-1.460)}$	$1.46203-[\ln(\text{Hard})*0.145712]$
Nickel	$e^{(0.846(\ln \text{Hard})+2.255)}$	0.998
Silver	$e^{(1.72(\ln \text{Hard})-6.52)}$	0.850
Zinc	$e^{(0.8473(\ln \text{Hard})+0.884)}$	0.978

c. For constituents with criteria dependent upon water hardness, dissolved metals chronic aquatic life criteria shall be calculated as the total recoverable chronic criterion multiplied by the conversion factor according to the following table.

Constituent	Total Recoverable Acute Criterion (µg/L)	Dissolved Criterion Conversion Factor
Cadmium	$e^{(0.7852(\ln \text{Hard})-2.715)}$	$1.101672-[\ln(\text{Hard})*0.041838]$
Chromium (III)	$e^{(0.819(\ln \text{Hard})+0.6848)}$	0.860
Copper	$e^{(0.8545(\ln \text{Hard})-1.702)}$	0.960
Lead	$e^{(1.273(\ln \text{Hard})-4.705)}$	$1.46203-[\ln(\text{Hard})*0.145712]$
Nickel	$e^{(0.846(\ln \text{Hard})+0.0584)}$	0.997
Zinc	$e^{(0.8473(\ln \text{Hard})+0.884)}$	0.986

- d. Criteria for metals are for dissolved concentrations (except selenium, which is total recoverable), unless it can be demonstrated to the satisfaction of the Commission and its member states, that a more appropriate analytical technique is available which provides a measurement of that portion of the metal present which causes toxicity to aquatic life.
- e. Waste water discharge requirements for these constituents shall be expressed as total recoverable limits, and shall be based on the dissolved aquatic life criteria, the appropriate translators (as listed in Appendix B), the in-stream concentration upstream of the point of discharge, and the minimum 7-day, 10-year stream flow as contained in Appendix C. Translators, other than those listed in Appendix B, may be used after a successful demonstration to the Commission and its member states. Criteria for cadmium, trivalent chromium, copper, lead, nickel, silver and zinc at specified hardness values are listed in Appendix B.

7. OTHER TOXIC SUBSTANCES:

Water quality criteria for substances not otherwise specified in this section shall be derived based on the following:

- a. For the Protection of Aquatic Life, methodologies set forth in U.S. EPA's final Water Quality Guidance for the Great Lakes System, adopted in the Federal Register, March 23, 1995, shall be used (see Appendix D).
- b. Limiting concentrations other than those derived from the above may be used for the protection of aquatic life when justified on the basis of scientifically defensible evidence.

C. Human Health Protection

To provide protection to human health, the following criteria shall be met outside the mixing zone:

1. BACTERIA:

- a. Maximum allowable level of fecal coliform bacteria for use as a source of public water supply -- for the months of November through April, content shall not exceed 2,000/100 mL as a monthly geometric mean based on not less than five samples per month.
- b. Maximum allowable level of fecal coliform bacteria for contact recreation -- for the months of May through October, content shall not exceed 200/100 mL as a monthly geometric mean based on not less than five samples per month; nor exceed 400/100 mL in more than 10 percent of all samples taken during the month.
- c. Maximum allowable level of Escherichia coli bacteria for contact recreation -

- for the months of May through October, measurements of *Escherichia coli* bacteria may be substituted for fecal coliform. Content shall not exceed 130/100 mL as a monthly geometric mean, based on not less than five samples per month, nor exceed 240/100 mL in any sample.

2. CHEMICAL CONSTITUENTS:

Not to exceed the following concentrations:

<u>Constituents</u>	<u>Concentration mg/L</u>
Arsenic (total)	0.010
Barium (total)	1.0
Chloride	250
Fluoride	1.0
Mercury (total)	0.000012
Nitrite + Nitrate Nitrogen	10.0
Nitrite Nitrogen	1.0
Phenolics	0.005
Silver (total)	0.05
Sulfate	250

3. RADIONUCLIDES:

Gross total alpha activity (including radium-226, but excluding radon and uranium) shall not exceed 15 picocuries per liter (pCi/L) and combined radium-226 and radium-228 shall not exceed 4 pCi/L. Concentration of total gross beta particle activity shall not exceed 50 pCi/L; the concentration of total strontium-90 shall not exceed 8 pCi/L.

4. OTHER TOXIC SUBSTANCES:

Water quality criteria for substances not otherwise specified in this section shall be derived based on the following:

- a. For the protection of human health, criteria published by the United States Environmental Protection Agency pursuant to Section 304(a) of the Federal Clean Water Act shall be used. Those criteria are listed in Appendix E to these regulations.
 - i. For substances identified as human carcinogens, waste water discharge requirements shall be developed based on the in-stream concentration above the point of discharge, and calculated so as to prevent one additional cancer per one million population at the harmonic mean stream flow (see Appendix C).

ii. For substances not identified as human carcinogens, waste water discharge requirements shall be developed based on the in-stream concentration above the point of discharge and calculated to meet the water quality criteria at the minimum 7-day, 10-year flow (see Appendix C).

b. Limiting concentrations other than those derived from the above may be used for the protection of human health when justified on the basis of scientifically defensible evidence.

D. Site-Specific Criteria

Alternative site-specific criteria for the constituents listed herein may be approved if they are demonstrated to be appropriate to the satisfaction of the Commission. Such demonstrations shall utilize methods contained in the Water Quality Standards Handbook (US EPA publication EPA823-B94005A, August 1994).

V. WASTE WATER DISCHARGE REQUIREMENTS

A. General

1. No discharge of sewage, industrial wastes, toxic wastes, other wastes, cooling water or residues from potable water treatment plants shall cause or contribute to a violation of these waste water discharge requirements, shall preclude the attainment of any designated use of the main stem waters of the Ohio River, or shall interfere with the attainment of the water quality criteria set forth in Section IV.
2. All discharges of sewage, industrial wastes, toxic wastes, other wastes, cooling water or residues from potable water treatment plants shall be treated or otherwise modified so as to provide:
 - a. Substantially complete removal of settleable solids, which may form sludge deposits;
 - b. Substantially complete removal of oil, debris, scum and other floating material;
 - c. Reduction of total suspended solids and other materials to such a degree that the discharge will not produce a substantial negative visible contrast to natural conditions in turbidity, color or odor of the river, or impart taste to potable water supplies, or cause tainting of fish flesh;
 - d. Reduction of all substances in amounts which, when concentrated or combined in the receiving stream, would result in conditions toxic or harmful to humans, animals, or fish and other aquatic life; which would in any manner

adversely affect the flavor, color, odor, or edibility of fish and other aquatic life, wildlife, or livestock; or which are otherwise detrimental to the designated water uses specified in Section III.

3. Each holder of an NPDES permit shall post a permanent marker at the establishment under permit as follows:
 - a. A marker shall be posted on the stream bank at each outfall discharging directly to the Ohio River.
 - b. The marker shall consist at a minimum of the name of the establishment to which the permit was issued, the permit number, and the outfall number. The information shall be printed in letters not less than two inches in height.
 - c. The marker shall be a minimum of 2 feet by 2 feet and shall be a minimum of 3 feet above ground level.

B. Sewage

1. MINIMUM LEVEL OF TREATMENT:

Sewage shall be treated prior to discharge, to meet the following effluent limitations in addition to the requirements of Section V.A.

a. Biochemical Oxygen Demand

- i. Five-day biochemical oxygen demand (BOD₅) - the arithmetic mean of the values for effluent samples collected in a month shall not exceed 30 mg/L, and the arithmetic mean of the values for effluent samples collected in a week shall not exceed 45 mg/L.
- ii. Five-day carbonaceous biochemical oxygen demand (CBOD₅) may be substituted for BOD₅, provided that the arithmetic mean of the values for effluent samples collected in a month shall not exceed 25 mg/L, and the arithmetic mean of the values of effluent samples collected in a week shall not exceed 40 mg/L.

b. Suspended Solids

The arithmetic mean of the values for effluent samples collected in a month shall not exceed 30 mg/L, and the arithmetic mean of the values for effluent samples collected in a week shall not exceed 45 mg/L.

c. pH

The effluent values for pH shall be maintained within the limits of 6.0 to 9.0 standard units.

d. Bacteria

- i. During the months of November through April, the geometric mean of the fecal coliform bacteria content of effluent samples collected in a month shall not exceed 2,000/100 mL.
- ii. During the months of May through October, the geometric mean of the fecal coliform bacteria content of effluent samples collected in a month shall not exceed 200/100 mL, and no more than 10 percent of the values shall exceed 400/100 mL.
- iii. During the months of May through October, *Escherichia coli* may be substituted for fecal coliform provided that the geometric mean of the values for effluent samples collected in a month shall not exceed 130/100 mL, and no more than 10 percent of the values shall exceed 240/100 mL.

2. ALTERNATIVE TREATMENT:

Such facilities as waste stabilization ponds and trickling filters shall be deemed to provide effective treatment of sewage, provided that the requirements of Sections V.A., V.B.1.(c) and (d) are met, that the effluent does not cause any violations of applicable states' water quality standards or Sections III and IV of these regulations, and that the following requirements are met:

a. Biochemical Oxygen Demand

- i. Five-day biochemical oxygen demand (BOD₅) -- the arithmetic mean of the values for effluent samples collected in a month shall not exceed 45 mg/L; and the arithmetic mean of the values for effluent samples collected in a week shall not exceed 65 mg/L.
- ii. Five-day carbonaceous biochemical oxygen demand (CBOD₅) may be substituted for BOD₅, provided that the levels are not less stringent than the following: the arithmetic mean of the values for effluent samples collected in a month shall not exceed 40 mg/L and; the arithmetic mean of the values for effluent samples collected in a week shall not exceed 60 mg/L.

b. Suspended Solids

The arithmetic mean of the values for effluent samples collected in a month shall not exceed 45 mg/L; and the arithmetic mean of the values for effluent samples collected in a week shall not exceed 65 mg/L.

3. COMBINED SEWER SYSTEMS:

a. Prohibition of Dry Weather Discharges

No combined sewer overflow to the Ohio River shall occur unless there has been rainfall in greater than trace amounts or significant melting of frozen precipitation during the immediately preceding 24 hours, or unless the discharge is caused by river elevation at or above the established flood stage.

b. System Overflows During Wet Weather

A direct discharge, if caused by temporary excess flows due to storm water collected and conveyed through combined sewer systems, shall not be considered in violation of these waste water discharge requirements, providing that the discharger is demonstrating compliance with the nine minimum controls as specified in the US EPA's national Combined Sewer Overflow Control Policy (EPA 830-B-94-001, April 1994). The nine minimum controls are as follows:

- 1.) Proper operation and regular maintenance programs for the sewer system and the CSOs;
- 2.) Maximum use of the collection system for storage;
- 3.) Review and modification of pretreatment requirements to assure CSO impacts are minimized;
- 4.) Maximization of flow to the POTW for treatment;
- 5.) Prohibition of CSOs during dry weather;
- 6.) Control of solid and floatable materials in CSOs;
- 7.) Pollution prevention;
- 8.) Public notification to ensure that the public receives adequate notice of CSO occurrences and CSO impacts;
- 9.) Monitoring to effectively characterize CSO impacts and the efficacy of CSO controls.

In addition, the system must be operated in accordance with an approved Long Term Control Plan, where required, and the discharge must not interfere with the attainment of the water quality criteria set forth in Section IV.

c. Treatment of Flows from Combined Sewer Systems during Wet Weather Conditions

In cases where municipal waste water treatment plants serving combined sewer areas have primary treatment capacity in excess of secondary treatment capacity, opportunities may exist for partial treatment of combined flows which would otherwise be discharged as untreated combined sewer overflows.

In such cases, in order to maximize the treatment of wet weather flows from combined sewer systems and reduce the frequency and duration of combined sewer overflow (CSO) events, bypass of the secondary treatment during wet weather conditions may be allowed on an interim basis, provided the following conditions are met:

- 1) the facilities are properly operated and maintained,
- 2) the maximum possible quantity of waste water (determined through an approved engineering study) receives secondary treatment in accordance with discharge requirements, and
- 3) the discharge does not cause exceedances of water quality criteria in the Ohio River outside the mixing zone.

Bypasses of secondary treatment which are necessary in order to implement a CSO Long Term Control Plan which includes primary treatment options at the municipal wastewater treatment plant may be allowed, provided it is not technically or financially feasible to provide secondary treatment of greater amounts of wet weather flow. The consideration of feasible alternatives should be documented in the development of the Long Term Control Plan.

C. Industrial Wastes, Including Toxic Wastes

1. The minimum level of treatment for industrial wastes including toxic wastes, prior to discharge shall be in accordance with national effluent limitations and guidelines adopted by the Administrator of the United States Environmental Protection Agency pursuant to Sections 301 and 302 of the Federal Clean Water Act, national standards of performance for new sources adopted pursuant to Section 306 of the Federal Clean Water Act, and national toxic and pretreatment effluent limitations, adopted pursuant to Section 307 of the Federal Clean Water Act or in accordance with the standards of the state in which the discharge occurs.
2. Effluent limitations for discharges of industrial wastes including toxic wastes may be based on the net discharge of pollutants.

D. Residues from Potable Water Treatment Plants

The use of controlled discharge for residues from potable water treatment plant processes of sedimentation, coagulation and filtration may be authorized provided that, as a minimum, the discharge meets all the requirements of Section IV.A. and V.A.

E. Cooling Water

1. A discharge of cooling water shall meet the requirements of Section V.A. and shall not cause violations of the temperature criteria set forth in Section IV.B.3., except as authorized by a variance issued pursuant to Section 316(a) of the Federal Clean Water Act.
2. Any cooling water additives that will ultimately be discharged to the environment must be approved by the appropriate state agency.

F. Other Wastes

The discharge of Other Wastes (other than those specified above) shall meet the requirements of Section V.A. and shall not cause or contribute to a violation of the water quality criteria set forth in Section IV.

VI. MIXING ZONE DESIGNATION

- A. Where mixing zones are allowed by the permitting authority, the specific numerical limits for any mixing zone shall be determined on a case-by-case basis, and shall include considerations for existing uses, linear distance (i.e., length and width) from the point of discharge, surface area involved, and volume of receiving water within the defined zone.
- B. Conditions within the mixing zone shall not be injurious to human health, in the event of a temporary exposure.
- C. Acute water quality criteria, as specified in Section IV.B.6, will apply at all points within the mixing zone; however, states may at their discretion allow a smaller zone in the immediate vicinity of the point of discharge in which acute criteria are exceeded, provided the zone does not impact the water of another state.

- D. The mixing zone shall be free from substances attributable to sewage, industrial wastes, toxic wastes, other wastes, cooling water, or residues from potable water treatment plants in quantities which:
1. Settle to form sludge deposits;
 2. Float as debris, scum, or oil;
 3. Contaminate natural sediments so as to cause or contribute to a violation of:
 - a. appropriate stream criteria outside the mixing zone, or
 - b. any condition of the designated uses of the water.
 4. Impart a disagreeable flavor or odor to flesh of fish or other aquatic life, wildlife or livestock which are consumed by humans and which acquire such a flavor because of passage through or ingestion of the waters from the mixing zone.
- E. The mixing zone shall be located so as not to interfere significantly with migratory movements and passage of fish, other aquatic life, and wildlife. No mixing zone shall adversely impact water quality so as to interfere with potable or industrial water supplies, bathing areas, reproduction of fish, other aquatic life and wildlife.
- F. In no case shall a permitting authority grant a mixing zone that would likely jeopardize the continued existence of any endangered or threatened species listed under Section 4 of the Federal Endangered Species Act or result in the destruction or adverse modification of such species' critical habitat.
- G. Mixing zones shall be prohibited for Bioaccumulative Chemicals of Concern (BCCs) as defined below. Existing discharges with mixing zones for BCCs will be allowed until ten years from the date of these Pollution Control Standards (October 16, 2003). New discharges of BCCs are subject to this prohibition immediately.

Bioaccumulative Chemicals of Concern (BCCs)

BCCs are defined as any chemicals that accumulate in aquatic organisms by a human health bioaccumulation factor (BAF) greater than 1000 (after considering various specified factors), and have the potential upon entering surface waters to cause adverse effects, either by themselves or in the form of their toxic transformation, as a result of that accumulation. Currently, the list of BCCs (as described in the Final Rule to Amend the Final Water Quality Guidance for the Great Lakes System to Prohibit Mixing Zones for Bioaccumulative Chemicals of Concern, includes:

Lindane	Mirex
Hexachlorocyclohexane	Hexachlorobenzene
alpha-Hexachlorocyclohexane	Chlordane
beta-Hexachlorocyclohexane	DDD
delta-Hexachlorocyclohexane	DDT
Hexachlorobutadiene	DDE
Photomirex	Octachlorostyrene
1,2,4,5-Tetrachlorobenzene	PCBs
Toxaphene	2,3,7,8-TCDD
Pentachlorobenzene	Mercury
1,2,3,4-Tetrachlorobenzene	Dieldrin

- H. If mixing zones from two or more proximate sources interact or overlap, the combined effect must be evaluated to ensure that applicable values will be met in the area of overlap.
- I. Mixing zones shall be calculated in accordance with one of the approaches presented in Appendix F, or by such other method as may be demonstrated to be appropriate to the Commission and its member states.

VII. LIMITATION

Nothing contained in these regulations shall be construed to limit the powers of any state signatory to the Compact to promulgate more stringent criteria, conditions and restrictions to further lessen or prevent the pollution of waters within its jurisdiction.

VIII. VARIANCE

- A. The Commission may grant a variance from the provisions of Section V of these standards, provided that the uses set forth in Section III are maintained and that the water quality criteria set forth in Section IV are met. The applicant for a variance shall adhere to the following:
1. The specific reasons for the variance shall be clearly stated in writing;
 2. The burden of proof is upon the applicant to assure that the uses set forth in Section III are maintained;

3. Prior concurrence of the state where the applicant's discharge is located and those state(s) that may be affected must be obtained;
 4. Additional information shall be provided to the Commission upon request.
- B. A variance may be granted for a period not to exceed the life of the applicable discharge permit; the applicant may apply for a variance renewal prior to the expiration of the permit.

IX. ANALYTICAL METHODS

Tests or analytical determinations establish compliance or non-compliance with the Waste Water Discharge Requirements and stream criteria established herein shall be made in accordance with accepted procedures such as those contained in the: (a) latest edition of Standard Methods for the Examination of Water and Waste Water prepared and published jointly by the American Public Health Association (APHA), American Water Works Association (AWWA), and Water Environment Federation (WEF); (b) Annual Book of ASTM Standards, Part 31 - Water published by the American Society for Testing and Materials; (c) Guidelines Establishing Test Procedures for the Analysis of Pollutants (40 CFR 136) by the U.S. Environmental Protection Agency; or (d) by such other methods as are approved by the Commission as equal or superior to or not available within methods in documents listed above, provided such other test methods are available to the public.

X. SEVERABILITY CLAUSE

Should any one or more of the Pollution Control Standards hereby established or should any one or more provisions of the regulations herein contained be held or determined to be invalid, illegal or unenforceable, for any reason whatsoever, all other standards and other provisions shall remain effective.

Appendix A

Acute And Chronic Criteria Concentrations For Total Ammonia-Nitrogen (in mg/L) for Varying Combinations of pH and Temperature

**Table A1: pH-Dependent Values of the Acute Criteria
for Total Ammonia-Nitrogen**

pH	Acute Criterion (mg/L)		pH	Acute Criterion (mg/L)
6.0	55.0		7.6	17.0
6.1	54.2		7.7	14.4
6.2	53.2		7.8	12.1
6.3	52.0		7.9	10.1
6.4	50.5		8.0	8.41
6.5	48.8		8.1	6.95
6.6	46.8		8.2	5.73
6.7	44.6		8.3	4.71
6.8	42.0		8.4	3.88
6.9	39.2		8.5	3.20
7.0	36.1		8.6	2.65
7.1	32.9		8.7	2.20
7.2	29.5		8.8	1.84
7.3	26.2		8.9	1.56
7.4	23.0		9.0	1.32
7.5	19.9			

Table A2: Temperature and pH-Dependent Values of the Chronic Criteria for Total Ammonia-Nitrogen (when Fish Early Life Stages Present - March 1 - October 31)

pH	Temperature, Celsius									
	0	14	16	18	20	22	24	26	28	30
6	6.95	6.95	6.32	5.55	4.88	4.29	3.77	3.31	2.91	2.56
6.1	6.91	6.91	6.28	5.52	4.86	4.27	3.75	3.30	2.90	2.55
6.2	6.87	6.87	6.24	5.49	4.82	4.24	3.73	3.28	2.88	2.53
6.3	6.82	6.82	6.19	5.45	4.79	4.21	3.70	3.25	2.86	2.51
6.4	6.75	6.75	6.13	5.39	4.74	4.17	3.66	3.22	2.83	2.49
6.5	6.67	6.67	6.06	5.33	4.68	4.12	3.62	3.18	2.80	2.46
6.6	6.57	6.57	5.97	5.25	4.61	4.05	3.56	3.13	2.75	2.42
6.7	6.44	6.44	5.86	5.15	4.52	3.98	3.50	3.07	2.70	2.37
6.8	6.29	6.29	5.72	5.03	4.42	3.89	3.42	3.00	2.64	2.32
6.9	6.12	6.12	5.56	4.89	4.30	3.78	3.32	2.92	2.57	2.25
7	5.91	5.91	5.37	4.72	4.15	3.65	3.21	2.82	2.48	2.18
7.1	5.67	5.67	5.15	4.53	3.98	3.50	3.08	2.70	2.38	2.09
7.2	5.39	5.39	4.90	4.31	3.78	3.33	2.92	2.57	2.26	1.99
7.3	5.08	5.08	4.61	4.06	3.57	3.13	2.76	2.42	2.13	1.87
7.4	4.73	4.73	4.30	3.78	3.32	2.92	2.57	2.26	1.98	1.74
7.5	4.36	4.36	3.97	3.49	3.06	2.69	2.37	2.08	1.83	1.61
7.6	3.98	3.98	3.61	3.18	2.79	2.45	2.16	1.90	1.67	1.47
7.7	3.58	3.58	3.25	2.86	2.51	2.21	1.94	1.71	1.50	1.32
7.8	3.18	3.18	2.89	2.54	2.23	1.96	1.73	1.52	1.33	1.17
7.9	2.80	2.80	2.54	2.24	1.96	1.73	1.52	1.33	1.17	1.03
8	2.43	2.43	2.21	1.94	1.71	1.50	1.32	1.16	1.02	0.90
8.1	2.10	2.10	1.91	1.68	1.47	1.29	1.14	1.00	0.88	0.77
8.2	1.79	1.79	1.63	1.43	1.26	1.11	0.97	0.86	0.75	0.66
8.3	1.52	1.52	1.39	1.22	1.07	0.94	0.83	0.73	0.64	0.56
8.4	1.29	1.29	1.17	1.03	0.91	0.80	0.70	0.62	0.54	0.48
8.5	1.09	1.09	0.99	0.87	0.76	0.67	0.59	0.52	0.46	0.40
8.6	0.92	0.92	0.84	0.73	0.65	0.57	0.50	0.44	0.39	0.34
8.7	0.78	0.78	0.71	0.62	0.55	0.48	0.42	0.37	0.33	0.29
8.8	0.66	0.66	0.60	0.53	0.46	0.41	0.36	0.32	0.28	0.24
8.9	0.56	0.56	0.51	0.45	0.40	0.35	0.31	0.27	0.24	0.21
9	0.49	0.49	0.44	0.39	0.34	0.30	0.26	0.23	0.20	0.18

Table A3: Temperature and pH-Dependent Values of the Chronic Criteria for Total Ammonia-Nitrogen (when Fish Early Life Stages Absent November 1-February 29)

pH	Temperature, Celsius									
	0-7	8	9	10	11	12	13	14	15	16
6	11.3	10.6	9.92	9.30	8.72	8.20	7.70	7.20	6.70	6.30
6.1	11.2	10.5	9.87	9.25	8.67	8.13	7.62	7.15	6.70	6.28
6.2	11.2	10.5	9.81	9.19	8.62	8.08	7.58	7.10	6.66	6.24
6.3	11.1	10.4	9.73	9.12	8.55	8.02	7.52	7.05	6.61	6.19
6.4	11.0	10.3	9.63	9.03	8.47	7.94	7.44	6.98	6.54	6.13
6.5	10.8	10.1	9.51	8.92	8.36	7.84	7.35	6.89	6.46	6.06
6.6	10.7	9.99	9.37	8.79	8.24	7.72	7.24	6.79	6.36	5.97
6.7	10.5	9.81	9.20	8.62	8.08	7.58	7.11	6.66	6.25	5.86
6.8	10.2	9.58	8.98	8.42	7.90	7.40	6.94	6.51	6.10	5.72
6.9	9.93	9.31	8.73	8.19	7.68	7.20	6.75	6.33	5.93	5.56
7	9.60	9.00	8.43	7.91	7.41	6.95	6.52	6.11	5.73	5.37
7.1	9.20	8.63	8.09	7.58	7.11	6.67	6.25	5.86	5.49	5.15
7.2	8.75	8.20	7.69	7.21	6.76	6.34	5.94	5.57	5.22	4.90
7.3	8.24	7.73	7.25	6.79	6.37	5.97	5.60	5.25	4.92	4.61
7.4	7.69	7.21	6.76	6.33	5.94	5.57	5.22	4.89	4.59	4.30
7.5	7.09	6.64	6.23	5.84	5.48	5.13	4.81	4.51	4.23	3.97
7.6	6.46	6.05	5.67	5.32	4.99	4.68	4.38	4.11	3.85	3.61
7.7	5.81	5.45	5.11	4.79	4.49	4.21	3.95	3.70	3.47	3.25
7.8	5.17	4.84	4.54	4.26	3.99	3.74	3.51	3.29	3.09	2.89
7.9	4.54	4.26	3.99	3.74	3.51	3.29	3.09	2.89	2.71	2.54
8	3.95	3.70	3.47	3.26	3.05	2.86	2.68	2.52	2.36	2.21
8.1	3.41	3.19	2.99	2.81	2.63	2.47	2.31	2.17	2.03	1.91
8.2	2.91	2.73	2.56	2.40	2.25	2.11	1.98	1.85	1.74	1.63
8.3	2.47	2.32	2.18	2.04	1.91	1.79	1.68	1.58	1.48	1.39
8.4	2.09	1.96	1.84	1.73	1.62	1.52	1.42	1.33	1.25	1.17
8.5	1.77	1.66	1.55	1.46	1.37	1.28	1.20	1.13	1.06	0.99
8.6	1.49	1.40	1.31	1.23	1.15	1.08	1.01	0.95	0.89	0.84
8.7	1.26	1.18	1.11	1.04	0.98	0.92	0.86	0.80	0.75	0.71
8.8	1.07	1.01	0.94	0.88	0.83	0.78	0.73	0.68	0.64	0.60
8.9	0.92	0.86	0.81	0.76	0.71	0.66	0.62	0.58	0.55	0.51
9	0.79	0.74	0.69	0.65	0.61	0.57	0.54	0.50	0.47	0.44

Note: At 15°C and above, the criteria for fish ELS absent is the same as the criteria for fish ELS present.

Appendix B

Dissolved Metals Translators

Table B1: Dissolved Metals Translators

Constituent	Acute Criterion Translator	Chronic Criterion Translator
Arsenic	1.000	1.000
Cadmium	$1/(1.136672 - [\ln(\text{hard}) * 0.041838])$	$1/(1.101672 - [\ln(\text{hard}) * 0.041838])$
Chromium (trivalent)	3.165	1.163
Chromium (hexavalent)	1.018	1.040
Copper	1.042	1.042
Lead	$1/(1.46203 - [\ln(\text{hard}) * 0.145712])$	$1/(1.46203 - [\ln(\text{hard}) * 0.145712])$
Mercury	1.176	1.176
Nickel	1.002	1.003
Silver	1.176	---
Zinc	1.022	1.014

Interpretation of Dissolved Metals Criteria

**Table B2: Numerical Values Of Dissolved Metals Criteria
At Specified Hardness Levels**

Hardness	Cadmium		Chromium ⁺³		Copper		Lead	
	Chronic Criterion (µg/L)	Acute Criterion (µg/L)	Chronic Criterion (µg/L)	Acute Criterion (µg/L)	Chronic Criterion (µg/L)	Acute Criterion (µg/L)	Chronic Criterion (µg/L)	Acute Criterion (µg/L)
50	1.34	2.01	42.0	323	4.95	6.99	1.17	30.1
100	2.24	4.26	74.1	570	8.96	13.4	2.52	64.6
150	3.02	6.62	103	794	12.7	19.7	3.90	100
200	3.73	9.03	131	1005	16.2	25.8	5.31	136
250	4.40	11.5	157	1207	19.6	31.9	6.72	172
300	5.03	14.01	182	1401	22.9	37.8	8.13	209

Hardness	Nickel		Silver		Zinc	
	Chronic Criterion (µg/L)	Acute Criterion (µg/L)	Chronic Criterion (µg/L)	Acute Criterion (µg/L)	Chronic Criterion (µg/L)	Acute Criterion (µg/L)
50	28.9	260	---	1.0	65.7	65.1
100	52.0	468	---	3.4	118	117
150	73.3	660	---	6.9	167	165
200	93.4	842	---	11.4	213	211
250	113	1,017	---	16.7	257	255
300	132	1,186	---	22.8	300	297

Appendix C

Critical Flow Values

FROM	TO	Minimum 7-day 10-year Low-Flow in cfs ¹	Harmonic Mean Flow in cfs ²
Pittsburgh (MP 0.0)	Montgomery Dam (MP 31.7)	4,730	16,200
Montgomery Dam (MP 31.7)	Willow Island Dam (MP 161.7)	5,880	20,500
Willow Island Dam (MP 161.7)	Racine Dam (MP 237.5)	6,560	24,500
Racine Dam (MP 237.5)	R.C. Byrd Dam (MP 279.2)	6,700	26,000
R.C. Byrd Dam (MP 279.2)	Guyandotte River (MP 305.2)	9,120	34,500
Guyandotte River (MP 305.2)	Big Sandy River (MP 317.1)	9,300	35,900
Big Sandy River (MP 317.1)	Greenup Dam (MP 341.0)	10,000	38,400
Greenup Dam (MP 341.0)	Meldahl Dam (MP 436.2)	10,600	42,100
Meldahl Dam (MP 436.2)	McAlpine Dam (MP 606.8)	10,600	45,300
McAlpine Dam (MP 606.8)	Newburgh Dam (MP 776.1)	11,000	49,000
Newburgh Dam (MP 776.1)	J.T. Myers Dam (MP 846.0)	12,900	60,900
J.T. Myers Dam (MP 846.0)	Smithland Dam (MP 918.5)	16,900	78,600
Smithland Dam (MP 918.5)	Cairo Point (MP 981.0)	51,000	175,000

¹Minimum 7-day, 10-year low-flow (in cubic feet per second) provided by the U.S. Corps of Engineers

²Based on Commission analysis of stream flow data provided by the U.S. Corps of Engineers

Appendix D

Great Lakes Water Quality Initiative Methodologies for Development of Aquatic Life Criteria and Values Methodology for Deriving Aquatic Life Criteria:

Tier I

Great Lakes States and Tribes shall adopt provisions consistent with (as protective as) this appendix.

I. Definitions

A. Material of Concern. When defining the material of concern the following should be considered:

1. Each separate chemical that does not ionize substantially in most natural bodies of water should usually be considered a separate material, except possibly for structurally similar organic compounds that only exist in large quantities as commercial mixtures of the various compounds and apparently have similar biological, chemical, physical, and toxicological properties.
2. For chemicals that ionize substantially in most natural bodies of water (e.g., some phenols and organic acids, some salts of phenols and organic acids, and most inorganic salts and coordination complexes of metals and metalloid), all forms that would be in chemical equilibrium should usually be considered one material. Each different oxidation state of a metal and each different non-ionizable covalently bonded organometallic compound should usually be considered a separate material.
3. The definition of the material of concern should include an operational analytical component. Identification of a material simply as "sodium," for example, implies "total sodium," but leaves room for doubt. If "total" is meant, it must be explicitly stated. Even "total" has different operational definitions, some of which do not necessarily measure "all that is there" in all samples. Thus, it is also necessary to reference or describe the analytical method that is intended. The selection of the operational analytical component should take into account the analytical and environmental chemistry of the material and various practical considerations, such as labor and equipment requirements, and whether the method would require measurement in the field or would allow measurement after samples are transported to a laboratory.
 - a. The primary requirements of the operational analytical component are that it be appropriate for use on samples of receiving water, that it be compatible with the available toxicity and bioaccumulation data without making extrapolations that are too hypothetical, and that it rarely results in underprotection or overprotection of aquatic organisms and their uses. Toxicity is the property of a material, or combination of materials, to adversely affect organisms.
 - b. Because an ideal analytical measurement will rarely be available, an appropriate compromise measurement will usually have to be used. This compromise measurement must fit with the general approach that if an ambient concentration is lower than the criterion, unacceptable effects will probably not occur, i.e., the compromise measure must not err on the side of underprotection when measurements are made on a surface water. What is an appropriate measurement in one situation might not be appropriate for another. For example, because the chemical and physical properties of an effluent are usually quite different from those of the

receiving water, an analytical method that is appropriate for analyzing an effluent might not be appropriate for expressing a criterion, and vice versa. A criterion should be based on an appropriate analytical measurement, but the criterion is not rendered useless if an ideal measurement either is not available or is not feasible.

Note: The analytical chemistry of the material might have to be taken into account when defining the material or when judging the acceptability of some toxicity tests, but a criterion must not be based on the sensitivity of an analytical method. When aquatic organisms are more sensitive than routine analytical methods, the proper solution is to develop better analytical methods.

4. It is now the policy of EPA that the use of dissolved metal to set and measure compliance with water quality standards is the recommended approach, because dissolved metal more closely approximates the bioavailable fraction of metal in the water column than does total recoverable metal. One reason is that a primary mechanism for water column toxicity is adsorption at the gill surface which requires metals to be in the dissolved form. Reasons for the consideration of total recoverable metals criteria include risk management considerations not covered by evaluation of water column toxicity. A risk manager may consider sediments and food chain effects and may decide to take a conservative approach for metals, considering that metals are very persistent chemicals. This approach could include the use of total recoverable metal in water quality standards. A range of different risk management decisions can be justified. EPA recommends that State water quality standards be based on dissolved metal. EPA will also approve a State risk management decision to adopt standards based on total recoverable metal, if those standards are otherwise approvable under this program.
- B. Acute Toxicity.** Concurrent and delayed adverse effect(s) that results from an acute exposure and occurs within any short observation period which begins when the exposure begins, may extend beyond the exposure period, and usually does not constitute a substantial portion of the life span of the organism. (Concurrent toxicity is an adverse effect to an organism that results from, and occurs during, its exposure to one or more test materials.) Exposure constitutes contact with a chemical or physical agent. Acute exposure, however, is exposure of an organism for any short period which usually does not constitute a substantial portion of its life span.
- C. Chronic Toxicity.** Concurrent and delayed adverse effect(s) that occurs only as a result of a chronic exposure. Chronic exposure is exposure of an organism for any long period or for a substantial portion of its life span.

II. Collection Of Data

- A. Collect all data available on the material concerning toxicity to aquatic animals and plants.
- B. All data that are used should be available in typed, dated, and signed hard copy (e.g., publication, manuscript, letter, memorandum, etc.) with enough supporting information to indicate that acceptable test procedures were used and that the results are reliable. In some cases, it might be appropriate to obtain written information from the investigator, if possible. Information that is not available for distribution shall not be used.
- C. Questionable data, whether published or unpublished, must not be used. For example, data must be rejected if they are from tests that did not contain a control treatment, and tests in which too many organisms in the control treatment died or showed signs of stress or disease.
- D. Data on technical grade materials may be used if appropriate, but data on formulated mixtures and emulsifiable concentrates of the material must not be used.
- E. For some highly volatile, hydrolyzable, or degradable materials, it might be appropriate to use only results of flow-through tests in which the concentrations of test material in test solutions were

measured using acceptable analytical methods. A flow-through test is a test with aquatic organisms in which test solutions flow into constant-volume test chambers either intermittently (e.g., every few minutes) or continuously, with the excess flowing out.

- F. Data must be rejected if obtained using:
1. Brine shrimp, because they usually only occur naturally in water with salinity greater than 35 g/kg.
 2. Species that do not have reproducing wild populations in North America.
 3. Organisms that were previously exposed to substantial concentrations of the test material or other contaminants.
 4. Saltwater species except for use in deriving acute-chronic ratios. An ACR is a standard measure of the acute toxicity of a material divided by an appropriate measure of the chronic toxicity of the same material under comparable conditions.
- G. Questionable data, data on formulated mixtures and emulsifiable concentrates, and data obtained with species non-resident to North America or previously exposed organisms may be used to provide auxiliary information but must not be used in the derivation of criteria.

III. Required Data

- A. Certain data should be available to help ensure that each of the major kinds of possible adverse effects receives adequate consideration. An adverse effect is a change in an organism that is harmful to the organism. Exposure means contact with a chemical or physical agent. Results of acute and chronic toxicity tests with representative species of aquatic animals are necessary so that data available for tested species can be considered a useful indication of the sensitivities of appropriate untested species. Fewer data concerning toxicity to aquatic plants are usually available because procedures for conducting tests with plants and interpreting the results of such tests are not as well developed.
- B. To derive a Tier I criterion for aquatic organisms and their uses, the following must be available:
1. Results of acceptable acute (or chronic) tests (see section IV or VI of this appendix) with at least one species of freshwater animal in at least eight different families such that all of the following are included:
 - a. The family Salmonidae in the class Osteichthyes;
 - b. One other family (preferably a commercially or recreationally important, warmwater species) in the class Osteichthyes (e.g., bluegill, channel catfish);
 - c. A third family in the phylum Chordata (e.g., fish, amphibian);
 - d. A planktonic crustacean (e.g., a cladoceran, copepod);
 - e. A benthic crustacean (e.g., ostracod, isopod, amphipod, crayfish);
 - f. An insect (e.g., mayfly, dragonfly, damselfly, stonefly, caddisfly, mosquito, midge);
 - g. A family in a phylum other than Arthropoda or Chordata (e.g., Rotifera, Annelida, Mollusca);
 - h. A family in any order of insect or any phylum not already represented.
 2. Acute-chronic ratios (see section VI of this appendix) with at least one species of aquatic animal in at least three different families provided that of the three species:
 - a. At least one is a fish,
 - b. At least one is an invertebrate, and
 - c. At least one species is an acutely sensitive freshwater species.

3. Results of at least one acceptable test with a freshwater algae or vascular plant is desirable but not required for criterion derivation (see section VIII of this appendix). If plants are among the aquatic organisms most sensitive to the material, results of a test with a plant in another phylum (division) should also be available.
- C. If all required data are available, a numerical criterion can usually be derived except in special cases. For example, derivation of a chronic criterion might not be possible if the available ACRs vary by more than a factor of ten with no apparent pattern. Also, if a criterion is to be related to a water quality characteristic (see sections V and VII of this appendix), more data will be required.
 - D. Confidence in a criterion usually increases as the amount of available pertinent information increases. Thus, additional data are usually desirable.

IV. Final Acute Value

- A. Appropriate measures of the acute (short-term) toxicity of the material to a variety of species of aquatic animals are used to calculate the Final Acute Value (FAV). The calculated Final Acute Value is a calculated estimate of the concentration of a test material such that 95 percent of the genera (with which acceptable acute toxicity tests have been conducted on the material) have higher Genus Mean Acute Values (GMAVs). An acute test is a comparative study in which organisms, that are subjected to different treatments, are observed for a short period usually not constituting a substantial portion of their life span. However, in some cases, the Species Mean Acute Value (SMAV) of a commercially or recreationally important species is lower than the calculated FAV, then the SMAV replaces the calculated FAV in order to provide protection for that important species.
- B. Acute toxicity tests shall be conducted using acceptable procedures. For good examples of acceptable procedures see American Society for Testing and Materials (ASTM) Standard E 729, Guide for Conducting Acute Toxicity Tests with Fishes, Macroinvertebrates and Amphibians.
- C. Results of acute tests during which the test organisms were fed should not be used, unless data indicate that the food did not affect the toxicity of the test material.
- D. Results of acute tests conducted in unusual dilution water, e.g., dilution water in which total organic carbon or particulate matter exceeded 5 mg/L, should not be used, unless a relationship is developed between acute toxicity and organic carbon or particulate matter, or unless data show that organic carbon or particulate matter, etc., do not affect toxicity.
- E. Acute values must be based upon endpoints which reflect the total severe adverse impact of the test material on the organisms used in the test. Therefore, only the following kinds of data on acute toxicity to aquatic animals shall be used:
 1. Tests with daphnids and other cladocerans must be started with organisms less than 24 hours old and tests with midges must be started with second or third instar larvae. It is preferred that the results should be the 48-hour EC50 based on the total percentage of organisms killed and immobilized. If such an EC50 is not available for a test, the 48-hour LC50 should be used in place of the desired 48-hour EC50. An EC50 or LC50 of longer than 48 hours can be used as long as the animals were not fed and the control animals were acceptable at the end of the test. An EC50 is a statistically or graphically estimated concentration that is expected to cause one or more specified effects in 50 percent of a group of organisms under specified conditions. An LC50 is a statistically or graphically estimated concentration that is expected to be lethal to 50 percent of a group of organisms under specified conditions.
 2. It is preferred that the results of a test with embryos and larvae of barnacles, bivalve mollusks (clams, mussels, oysters and scallops), sea urchins, lobsters, crabs, shrimp and abalones be the 96-

- hour EC50 based on the percentage of organisms with incompletely developed shells plus the percentage of organisms killed. If such an EC50 is not available from a test, of the values that are available from the test, the lowest of the following should be used in place of the desired 96-hour EC50: 48- to 96-hour EC50s based on percentage of organisms with incompletely developed shells plus percentage of organisms killed, 48- to 96-hour EC50s based upon percentage of organisms with incompletely developed shells, and 48-hour to 96-hour LC50s.
3. It is preferred that the result of tests with all other aquatic animal species and older life stages of barnacles, bivalve mollusks (clams, mussels, oysters and scallops), sea urchins, lobsters, crabs, shrimp and abalones be the 96-hour EC50 based on percentage of organisms exhibiting loss of equilibrium plus percentage of organisms immobilized plus percentage of organisms killed. If such an EC50 is not available from a test, of the values that are available from a test the lower of the following should be used in place of the desired 96-hour EC50: the 96-hour EC50 based on percentage of organisms exhibiting loss of equilibrium plus percentage of organisms immobilized and the 96-hour LC50.
 4. Tests whose results take into account the number of young produced, such as most tests with protozoans, are not considered acute tests, even if the duration was 96 hours or less.
 5. If the tests were conducted properly, acute values reported as "greater than" values and those that are above the solubility of the test material should be used, because rejection of such acute values would bias the Final Acute Value by eliminating acute values for resistant species.
 6. If the acute toxicity of the material to aquatic animals has been shown to be related to a water quality characteristic such as hardness or particulate matter for freshwater animals, refer to section V of this appendix.
- F. The agreement of the data within and between species must be considered. Acute values that appear to be questionable in comparison with other acute and chronic data for the same species and for other species in the same genus must not be used. For example, if the acute values available for a species or genus differ by more than a factor of 10, rejection of some or all of the values would be appropriate, absent countervailing circumstances.
- G. If the available data indicate that one or more life stages are at least a factor of two more resistant than one or more other life stages of the same species, the data for the more resistant life stages must not be used in the calculation of the SMAV because a species cannot be considered protected from acute toxicity if all of the life stages are not protected.
- H. For each species for which at least one acute value is available, the SMAV shall be calculated as the geometric mean of the results of all acceptable flow-through acute toxicity tests in which the concentrations of test material were measured with the most sensitive tested life stage of the species. For a species for which no such result is available, the SMAV shall be calculated as the geometric mean of all acceptable acute toxicity tests with the most sensitive tested life stage, i.e., results of flow-through tests in which the concentrations were not measured and results of static and renewal tests based on initial concentrations (nominal concentrations are acceptable for most test materials if measured concentrations are not available) of test material. A renewal test is a test with aquatic organisms in which either the test solution in a test chamber is removed and replaced at least once during the test or the test organisms are transferred into a new test solution of the same composition at least once during the test. A static test is a test with aquatic organisms in which the solution and organisms that are in a test chamber at the beginning of the test remain in the chamber until the end of the test, except for removal of dead test organisms.

Note 1: Data reported by original investigators must not be rounded off. Results of all intermediate calculations must not be rounded off to fewer than four significant digits.

Note 2: The geometric mean of N numbers is the Nth root of the product of the N numbers. Alternatively, the geometric mean can be calculated by adding the logarithms of the N numbers, dividing the sum by N, and taking the antilog of the quotient. The geometric mean of two numbers is the square root of the product of the two numbers, and the geometric mean of one number is that number. Either natural (base e) or common (base 10) logarithms can be used to calculate geometric means as long as they are used consistently within each set of data, i.e., the antilog used must match the logarithms used.

Note 3: Geometric means, rather than arithmetic means, are used here because the distributions of sensitivities of individual organisms in toxicity tests on most materials and the distributions of sensitivities of species within a genus are more likely to be lognormal than normal. Similarly, geometric means are used for ACRs because quotients are likely to be closer to lognormal than normal distributions. In addition, division of the geometric mean of a set of numerators by the geometric mean of the set of denominators will result in the geometric mean of the set of corresponding quotients.

- I. For each genus for which one or more SMAVs are available, the GMAV shall be calculated as the geometric mean of the SMAVs available for the genus.
- J. Order the GMAVs from high to low.
- K. Assign ranks, R, to the GMAVs from "1" for the lowest to "N" for the highest. If two or more GMAVs are identical, assign them successive ranks.
- L. Calculate the cumulative probability, P, for each GMAV as R/(N + 1).
- M. Select the four GMAVs which have cumulative probabilities closest to 0.05 (if there are fewer than 59 GMAVs, these will always be the four lowest GMAVs).

$$S^2 = \frac{\sum((\ln GMAV)^2) \frac{(\sum(\ln GMAV))^2}{4}}{\sum(P) \frac{(\sum(\sqrt{P}))^2}{4}}$$

$$L = \frac{\sum(\ln GMAV) S(\sum(\sqrt{P}))}{4}$$

$$FAV = e^A$$

$$A = S(\sqrt{0.05}) + L$$

- N. Using the four selected GMAVs, and Ps, calculate

Note: Natural logarithms (logarithms to base e, denoted as ln) are used herein merely because they are easier to use on some hand calculators and computers than common (base 10) logarithms. Consistent use of either will produce the same result.
- O. If for a commercially or recreationally important species, the geometric mean of the acute values from flow-through tests in which the concentrations of test material were measured is lower than the calculated Final Acute Value (FAV), then that geometric mean must be used as the FAV instead of the calculated FAV.
- P. See section VI of this appendix.

V. Final Acute Equation

- A. When enough data are available to show that acute toxicity to two or more species is similarly related to a water quality characteristic, the relationship shall be taken into account as described in sections V.B through V.G of this appendix or using analysis of covariance. The two methods are equivalent and produce identical results. The manual method described below provides an understanding of this application of covariance analysis, but computerized versions of covariance analysis are much more convenient for analyzing large data sets. If two or more factors affect toxicity, multiple regression analysis shall be used.
- B. For each species for which comparable acute toxicity values are available at two or more different values of the water quality characteristic, perform a least squares regression of the acute toxicity values on the corresponding values of the water quality characteristic to obtain the slope and its 95 percent confidence limits for each species.
Note: Because the best documented relationship is that between hardness and acute toxicity of metals in fresh water and a log-log relationship fits these data, geometric means and natural logarithms of both toxicity and water quality are used in the rest of this section. For relationships based on other water quality characteristics, such as pH or temperature, no transformation or a different transformation might fit the data better, and appropriate changes will be necessary throughout this section.
- C. Decide whether the data for each species are relevant, taking into account the range and number of the tested values of the water quality characteristic and the degree of agreement within and between species. For example, a slope based on six data points might be of limited value if it is based only on data for a very narrow range of values of the water quality characteristic. A slope based on only two data points, however, might be useful if it is consistent with other information and if the two points cover a broad enough range of the water quality characteristic. In addition, acute values that appear to be questionable in comparison with other acute and chronic data available for the same species and for other species in the same genus should not be used. For example, if after adjustment for the water quality characteristic, the acute values available for a species or genus differ by more than a factor of 10, rejection of some or all of the values would be appropriate, absent countervailing justification. If useful slopes are not available for at least one fish and one invertebrate or if the available slopes are too dissimilar or if too few data are available to adequately define the relationship between acute toxicity and the water quality characteristic, return to section IV.G of this appendix, using the results of tests conducted under conditions and in waters similar to those commonly used for toxicity tests with the species.
- D. For each species, calculate the geometric mean of the available acute values and then divide each of the acute values for the species by the geometric mean for the species. This normalizes the acute values so that the geometric mean of the normalized values for each species individually and for any combination of species is 1.0.
- E. Similarly normalize the values of the water quality characteristic for each species individually using the same procedure as above.
- F. Individually for each species perform a least squares regression of the normalized acute values of the water quality characteristic. The resulting slopes and 95 percent confidence limits will be identical to those obtained in section V.B. of this appendix. If, however, the data are actually plotted, the line of best fit for each individual species will go through the point 1,1 in the center of the graph.
- G. Treat all of the normalized data as if they were all for the same species and perform a least squares regression of all of the normalized acute values on the corresponding normalized values of the water quality characteristic to obtain the pooled acute slope, V , and its 95 percent confidence limits. If all of

the normalized data are actually plotted, the line of best fit will go through the point 1,1 in the center of the graph.

H. For each species calculate the geometric mean, W, of the acute toxicity values and the geometric mean, X, of the values of the water quality characteristic. (These were calculated in sections V.D and V.E of this appendix).

I. For each species, calculate the logarithm, Y, of the SMAV at a selected value, Z, of the water quality characteristic using the equation:

$$Y = \ln W - V(\ln X - \ln Z)$$

J. For each species calculate the SMAV at X using the equation:

$$\text{SMAV} = e^Y$$

Note: Alternatively, the SMAVs at Z can be obtained by skipping step H above, using the equations in steps I and J to adjust each acute value individually to Z, and then calculating the geometric mean of the adjusted values for each species individually. This alternative procedure allows an examination of the range of the adjusted acute values for each species.

K. Obtain the FAV at Z by using the procedure described in sections IV.J through IV.O of this appendix.

L. If, for a commercially or recreationally important species the geometric mean of the acute values at Z from flow-through tests in which the concentrations of the test material were measured is lower than the FAV at Z, then the geometric mean must be used as the FAV instead of the FAV.

M. The Final Acute Equation is written as:

$$\text{FAV} = e^{(V[\ln(\text{water quality characteristic})] + A - V[\ln Z])},$$

where:

$$V = \text{pooled acute slope, and } A = \ln(\text{FAV at Z}).$$

Because V, A, and Z are known, the FAV can be calculated for any selected value of the water quality characteristic.

VI. Final Chronic Value

- A. Depending on the data that are available concerning chronic toxicity to aquatic animals, the Final Chronic Value (FCV) can be calculated in the same manner as the FAV or by dividing the FAV by the Final Acute-Chronic Ratio (FACR). In some cases, it might not be possible to calculate a FCV. The FCV is (a) a calculated estimate of the concentration of a test material such that 95 percent of the genera (with which acceptable chronic toxicity tests have been conducted on the material) have higher GMCVs, or (b) the quotient of an FAV divided by an appropriate ACR, or (c) the SMCV of an important and/or critical species, if the SMCV is lower than the calculated estimate or the quotient, whichever is applicable.
- Note:** As the name implies, the ACR is a way of relating acute and chronic toxicities.
- B. Chronic values shall be based on results of flow-through (except renewal is acceptable for daphnids) chronic tests in which the concentrations of test material in the test solutions were properly measured at appropriate times during the test. A chronic test is a comparative study in which organisms, that are subjected to different treatments, are observed for a long period or a substantial portion of their life span.
- C. Results of chronic tests in which survival, growth, or reproduction in the control treatment was unacceptably low shall not be used. The limits of acceptability will depend on the species.
- D. Results of chronic tests conducted in unusual dilution water, e.g., dilution water in which total organic carbon or particulate matter exceeded 5 mg/L, should not be used, unless a relationship is developed between chronic toxicity and organic carbon or particulate matter, or unless data show that organic carbon, particulate matter, etc., do not affect toxicity.
- E. Chronic values must be based on endpoints and lengths of exposure appropriate to the species. Therefore, only results of the following kinds of chronic toxicity tests shall be used:
1. Life-cycle toxicity tests consisting of exposures of each of two or more groups of individuals of a species to a different concentration of the test material throughout a life cycle. To ensure that all life stages and life processes are exposed, tests with fish should begin with embryos or newly hatched young less than 48 hours old, continue through maturation and reproduction, and should end not less than 24 days (90 days for salmonids) after the hatching of the next generation. Tests with daphnids should begin with young less than 24 hours old and last for not less than 21 days, and for ceriodaphnids not less than seven days. For good examples of acceptable procedures see American Society for Testing and Materials (ASTM) Standard E 1193 Guide for conducting renewal life-cycle toxicity tests with Daphnia magna and ASTM Standard E 1295 Guide for conducting three-brood, renewal toxicity tests with Ceriodaphnia dubia. Tests with mysids should begin with young less than 24 hours old and continue until seven days past the median time of first brood release in the controls. For fish, data should be obtained and analyzed on survival and growth of adults and young, maturation of males and females, eggs spawned per female, embryo viability (salmonids only), and hatchability. For daphnids, data should be obtained and analyzed on survival and young per female. For mysids, data should be obtained and analyzed on survival, growth, and young per female.
 2. Partial life-cycle toxicity tests consist of exposures of each of two more groups of individuals of a species of fish to a different concentration of the test material through most portions of a life cycle. Partial life-cycle tests are allowed with fish species that require more than a year to reach sexual maturity, so that all major life stages can be exposed to the test material in less than 15 months. A life-cycle test is a comparative study in which organisms, that are subjected to different treatments, are observed at least from a life stage in one generation to the same life-stage in the next generation. Exposure to the test material should begin with immature juveniles at least two months prior to active gonad development, continue through maturation and reproduction, and end

not less than 24 days (90 days for salmonids) after the hatching of the next generation. Data should be obtained and analyzed on survival and growth of adults and young, maturation of males and females, eggs spawned per female, embryo viability (salmonids only), and hatchability.

3. Early life-stage toxicity tests consisting of 28- to 32-day (60 days post hatch for salmonids) exposures of the early life stages of a species of fish from shortly after fertilization through embryonic, larval, and early juvenile development. Data should be obtained and analyzed on survival and growth.

Note: Results of an early life-stage test are used as predictions of results of life cycle and partial life-cycle tests with the same species. Therefore, when results of a life cycle or partial life-cycle test are available, results of an early life-stage test with the same species should not be used. Also, results of early life-stage tests in which the incidence of mortalities or abnormalities increased substantially near the end of the test shall not be used because the results of such tests are possibly not good predictions of comparable life-cycle or partial life-cycle tests.

- F. A chronic value may be obtained by calculating the geometric mean of the lower and upper chronic limits from a chronic test or by analyzing chronic data using regression analysis.

1. A lower chronic limit is the highest tested concentration:
 - a. In an acceptable chronic test,
 - b. Which did not cause an unacceptable amount of adverse effect on any of the specified biological measurements, and
 - c. Below which no tested concentration caused an unacceptable effect.
2. An upper chronic limit is the lowest tested concentration:
 - a. In an acceptable chronic test,
 - b. Which did cause an unacceptable amount of adverse effect on one or more of the specified biological measurements, and
 - c. Above which all tested concentrations also caused such an effect.

Note: Because various authors have used a variety of terms and definitions to interpret and report results of chronic tests, reported results should be reviewed carefully. The amount of effect that is considered unacceptable is often based on a statistical hypothesis test, but might also be defined in terms of a specified percent reduction from the controls. A small percent reduction (e.g., three percent) might be considered acceptable even if it is statistically significantly different from the control, whereas a large percent reduction (e.g., 30 percent) might be considered unacceptable even if it is not statistically significant.

- G. If the chronic toxicity of the material to aquatic animals has been shown to be related to a water quality characteristic such as hardness or particulate matter for freshwater animals, refer to section VII of this appendix.

- H. If chronic values are available for species in eight families as described in section III.B.1 of this appendix, a SMCV shall be calculated for each species for which at least one chronic value is available by calculating the geometric mean of the results of all acceptable life-cycle and partial life-cycle toxicity tests with the species; for a species of fish for which no such result is available, the SMCV is the geometric mean of all acceptable early life-stage tests. Appropriate GMCVs shall also be calculated. A GMCV is the geometric mean of the SMCVs for the genus. The FCV shall be obtained using the procedure described in sections IV.J. through IV.O. of this appendix, substituting SMCV and GMCV for SMAV and GMAV respectively. See section VI.M. of this appendix.

Note: Section VI.I. through VI.L. is for use when chronic values are not available for species in eight taxonomic families as described in section III.B.1 of this appendix.

- I. For each chronic value for which at least one corresponding appropriate acute value is available, calculate an ACR, using for the numerator the geometric mean of the results of all acceptable flow-through (except static is acceptable for daphnids and midges) acute tests in the same dilution water in

which the concentrations are measured. For fish, the acute test(s) should be conducted with juveniles. The acute test(s) should be part of the same study as the chronic test. If acute tests were not conducted as part of the same study, but were conducted as part of a different study in the same laboratory and dilution water, then they may be used. If no such acute tests are available, results of acute tests conducted in the same dilution water in a different laboratory may be used. If no such acute tests are available, an ACR shall not be calculated.

- J. For each species, calculate the SMACR as the geometric mean of all ACRs available for that species.
- K. For some materials, the ACR seems to be the same for all species, but for other materials the ratio seems to increase or decrease as the SMAV increases. Thus the FACR can be obtained in three ways, depending on the data available:
 - 1. If the species mean ACR seems to increase or decrease as the MAVs increase, the FACR shall be calculated as the geometric mean of the ACRs for species whose SMAVs are close to the FAV.
 - 2. If no major trend is apparent and the ACRs for all species are within a factor of ten, the FACR shall be calculated as the geometric mean of all of the SMACRs.
 - 3. If the most appropriate SMACRs are less than 2.0, and especially if they are less than 1.0, acclimation has probably occurred during the chronic test. In this situation, because continuous exposure and acclimation cannot be assured to provide adequate protection in field situations, the FACR should be assumed to be 2, so that the FCV is equal to the Criterion Maximum Concentration (CMC). See section X.B of this appendix.

If the available SMACRs do not fit one of these cases, a FACR may not be obtained and a Tier I FCV probably cannot be calculated.

- L. Calculate the FCV by dividing the FAV by the FACR.
$$FCV = FAV/FACR$$

If there is a Final Acute Equation rather than a FAV, see section V. of this appendix.

- M. If the SMCV of a commercially or recreationally important species is lower than the calculated FCV, then that SMCV must be used as the FCV instead of the calculated FCV.
- N. See section VIII. of this appendix.

VII. Final Chronic Equation

- A. Final Chronic Equation can be derived in two ways. The procedure described in section VII.A. of this appendix will result in the chronic slope being the same as the acute slope. The procedure described in sections VII.B. through N of this appendix will usually result in the chronic slope being different from the acute slope.
 - 1. If ACRs are available for enough species at enough values of the water quality characteristic to indicate that the ACR appears to be the same for all species and appears to be independent of the water quality characteristic, calculate the FACR as the geometric mean of the available SMACRs.
 - 2. Calculate the FCV at the selected value Z of the water quality characteristic by dividing the FAV at Z (see section V.M. of this appendix) by the FACR.

3. Use V = pooled acute slope (see section V.M. of this appendix), and L = pooled chronic slope.
 4. See section VII.M. of this appendix.
- B. When enough data are available to show that chronic toxicity to at least one species is related to a water quality characteristic, the relationship should be taken into account as described in sections C through G below or using analysis of covariance. The two methods are equivalent and produce identical results. The manual method described below provides an understanding of this application of covariance analysis, but computerized versions of covariance analysis are much more convenient for analyzing large data sets. If two or more factors affect toxicity, multiple regression analysis shall be used.
- C. For each species for which comparable chronic toxicity values are available at two or more different values of the water quality characteristic, perform a least squares regression of the chronic toxicity values on the corresponding values of the water quality characteristic to obtain the slope and its 95 percent confidence limits for each species.
Note: Because the best documented relationship is that between hardness and acute toxicity of metals in fresh water and a log-log relationship fits these data, geometric means and natural logarithms of both toxicity and water quality are used in the rest of this section. For relationships based on other water quality characteristics, such as pH or temperature, no transformation or a different transformation might fit the data better, and appropriate changes will be necessary throughout this section. It is probably preferable, but not necessary, to use the same transformation that was used with the acute values in section V of this appendix.
- D. Decide whether the data for each species are relevant, taking into account the range and number of the tested values of the water quality characteristic and the degree of agreement within and between species. For example, a slope based on six data points might be of limited value if it is based only on data for a very narrow range of values of the water quality characteristic. A slope based on only two data points, however, might be more useful if it is consistent with other information and if the two points cover a broad range of the water quality characteristic. In addition, chronic values that appear to be questionable in comparison with other acute and chronic data available for the same species and for other species in the same genus in most cases should not be used. For example, if after adjustment for the water quality characteristic, the chronic values available for a species or genus differ by more than a factor of 10, rejection of some or all of the values is, in most cases, absent countervailing circumstances, appropriate. If a useful chronic slope is not available for at least one species or if the available slopes are too dissimilar or if too few data are available to adequately define the relationship between chronic toxicity and the water quality characteristic, it might be appropriate to assume that the chronic slope is the same as the acute slope, which is equivalent to assuming that the ACR is independent of the water quality characteristic. Alternatively, return to section VI.H of this appendix, using the results of tests conducted under conditions and in waters similar to those commonly used for toxicity tests with the species.
- E. Individually for each species, calculate the geometric mean of the available chronic values and then divide each chronic value for a species by the mean for the species. This normalizes the chronic values so that the geometric mean of the normalized values for each species individually, and for any combination of species, is 1.0.
- F. Similarly, normalize the values of the water quality characteristic for each species individually.
- G. Individually for each species, perform a least squares regression of the normalized chronic toxicity values on the corresponding normalized values of the water quality characteristic. The resulting slopes and the 95 percent confidence limits will be identical to those obtained in section VII.B of this appendix. Now, however, if the data are actually plotted, the line of best fit for each individual species will go through the point 1,1 in the center of the graph.

- H. Treat all of the normalized data as if they were all the same species and perform a least squares regression of all of the normalized chronic values on the corresponding normalized values of the water quality characteristic to obtain the pooled chronic slope, L, and its 95 percent confidence limits. If all normalized data are actually plotted, the line of best fit will go through the point 1,1 in the center of the graph.
- I. For each species, calculate the geometric mean, M, of the toxicity values and the geometric mean, P, of the values of the water quality characteristic. (These are calculated in sections VII.E and F of this appendix.)
- J. For each species, calculate the logarithm, Q, of the SMCV at a selected value, Z, of the water quality characteristic using the equation:

$$Q = \ln M - L(\ln P - \ln Z)$$

Note: Although it is not necessary, it is recommended that the same value of the water quality characteristic be used here as was used in section V of this appendix.

- K. For each species, calculate a SMCV at Z using the equation:

$$\text{SMCV} = e^Q$$

Note: Alternatively, the SMCV at Z can be obtained by skipping section VII.J of this appendix, using the equations in sections VII.J and K of this appendix to adjust each chronic value individually to Z, and then calculating the geometric means of the adjusted values for each species individually. This alternative procedure allows an examination of the range of the adjusted chronic values for each species.

- L. Obtain the FCV at Z by using the procedure described in sections IV.J through O of this appendix.
- M. If the SMCV at Z of a commercially or recreationally important species is lower than the calculated FCV at Z, then that SMCV shall be used as the FCV at Z instead of the calculated FCV.
- N. The Final Chronic Equation is written as:

$$\text{FCV} = e^{(L[\ln(\text{water quality characteristic})] + \ln S - L[\ln Z])}$$

where:

$$\begin{aligned} L &= \text{pooled chronic slope} \\ S &= \text{FCV at Z.} \end{aligned}$$

Because L, S, and Z are known, the FCV can be calculated for any selected value of the water quality characteristic.

VIII. Final Plant Value

- A. A Final Plant Value (FPV) is the lowest plant value that was obtained with an important aquatic plant species in an acceptable toxicity test for which the concentrations of the test material were measured and the adverse effect was biologically important. Appropriate measures of the toxicity of the material to aquatic plants are used to compare the relative sensitivities of aquatic plants and animals. Although procedures for conducting and interpreting the results of toxicity tests with plants are not well-developed, results of tests with plants usually indicate that criteria which adequately protect aquatic animals and their uses will, in most cases, also protect aquatic plants and their uses.
- B. A plant value is the result of a 96-hour test conducted with an alga or a chronic test conducted with an aquatic vascular plant.
Note: A test of the toxicity of a metal to a plant shall not be used if the medium contained an excessive amount of a complexing agent, such as EDTA, that might affect the toxicity of the metal. Concentrations of EDTA above 200 µg/L should be considered excessive.
- C. The FPV shall be obtained by selecting the lowest result from a test with an important aquatic plant species in which the concentrations of test material are measured and the endpoint is biologically important.

IX. Other Data

Pertinent information that could not be used in earlier sections might be available concerning adverse effects on aquatic organisms. The most important of these are data on cumulative and delayed toxicity, reduction in survival, growth, or reproduction, or any other adverse effect that has been shown to be biologically important. Delayed toxicity is an adverse effect to an organism that results from, and occurs after the end of, its exposure to one or more test materials. Especially important are data for species for which no other data are available. Data from behavioral, biochemical, physiological, microcosm, and field studies might also be available. Data might be available from tests conducted in unusual dilution water (see sections IV.D and VI.D of this appendix), from chronic tests in which the concentrations were not measured (see section VI.B of this appendix), from tests with previously exposed organisms (see section II.F.3 of this appendix), and from tests on formulated mixtures or emulsifiable concentrates (see section II.D of this appendix). Such data might affect a criterion if the data were obtained with an important species, the test concentrations were measured, and the endpoint was biologically important.

X. Criterion

- A. A criterion consists of two concentrations: the Criterion Maximum Concentration (CMC) and the Criterion Continuous Concentration (CCC).
- B. The CMC is equal to one-half the FAV. The CMC is an estimate of the highest concentration of a material in the water column to which an aquatic community can be exposed briefly without resulting in an unacceptable effect.
- C. The CCC is equal to the lowest of the FCV or the FPV (if available) unless other data (see section IX of this appendix) show that a lower value should be used. The CCC is an estimate of the highest concentration of a material in the water column to which an aquatic community can be exposed indefinitely without resulting in an unacceptable effect. If toxicity is related to a water quality characteristic, the CCC is obtained from the Final Chronic Equation or FPV (if available) that results in the lowest concentrations in the usual range of the water quality characteristic, unless other data (see section IX) show that a lower value should be used.

- D. Round both the CMC and the CCC to two significant digits.
- E. The criterion is stated as:
 The procedures described in the Tier I methodology indicate that, except possibly where a commercially or recreationally important species is very sensitive, aquatic organisms should not be affected unacceptably if the four-day average concentration of (1) does not exceed (2) $\mu\text{g/L}$ more than once every three years on the average and if the one-hour average concentration does not exceed (3) $\mu\text{g/L}$ more than once every three years on the average.
 where:
- (1) = Insert name of material
 - (2) = Insert the CCC
 - (3) = Insert the CMC

If the CMC averaging period of one hour or the CCC averaging period of four days is inappropriate for the pollutant, or if the once-in-three-year allowable excursion frequency is inappropriate for the pollutant or for the sites to which a criterion is applied, then the State may specify alternative averaging periods or frequencies. The choice of an alternative averaging period or frequency shall be justified by a scientifically defensible analysis demonstrating that the alternative values will protect the aquatic life uses of the water. Appropriate laboratory data and/or well-designed field biological surveys shall be submitted to EPA as justification for differing averaging periods and/or frequencies of exceedance.

XI. Final Review

- A. The derivation of the criterion should be carefully reviewed by rechecking each step of the Guidance in this part. Items that should be especially checked are:
1. If unpublished data are used, are they well documented?
 2. Are all required data available?
 3. Is the range of acute values for any species greater than a factor of 10?
 4. Is the range of SMAVs for any genus greater than a factor of 10?
 5. Is there more than a factor of 10 difference between the four lowest GMAVs?
 6. Are any of the lowest GMAVs questionable?
 7. Is the FAV reasonable in comparison with the SMAVs and GMAVs?
 8. For any commercially or recreationally important species, is the geometric mean of the acute values from flow-through tests in which the concentrations of test material were measured lower than the FAV?
 9. Are any of the chronic values used questionable?
 10. Are any chronic values available for acutely sensitive species?
 11. Is the range of acute-chronic ratios greater than a factor of 10?
 12. Is the FCV reasonable in comparison with the available acute and chronic data?
 13. Is the measured or predicted chronic value for any commercially or recreationally important species below the FCV?
 14. Are any of the other data important?
 15. Do any data look like they might be outliers?
 16. Are there any deviations from the Guidance in this part? Are they acceptable?
- B. On the basis of all available pertinent laboratory and field information, determine if the criterion is consistent with sound scientific evidence. If it is not, another criterion, either higher or lower, shall be derived consistent with the Guidance in this part.

Methodology for Deriving Aquatic Life Values:

Tier II

XII. Secondary Acute Value

If all eight minimum data requirements for calculating an FAV using Tier I are not met, a Secondary Acute Value (SAV) shall be calculated for a chemical as follows:

To calculate a SAV, the lowest GMAV in the database is divided by the Secondary Acute Factor (SAF) (Table A-1 of this appendix) corresponding to the number of satisfied minimum data requirements listed in the Tier I methodology (section III.B.1 of this appendix). Requirements for definitions, data collection and data review, contained in sections I, II, and IV shall be applied to calculation of a SAV. If all eight minimum data requirements are satisfied, a Tier I criterion calculation may be possible. In order to calculate a SAV, the database must contain, at a minimum, a genus mean acute value (GMAV) for one of the following three genera in the family Daphnidae - Ceriodaphnia sp., Daphnia sp., or Simocephalus sp.

If appropriate, the SAV shall be made a function of a water quality characteristic in a manner similar to that described in Tier I.

XIII. Secondary Acute-Chronic Ratio

If three or more experimentally determined ACRs, meeting the data collection and review requirements of Section VI of this appendix, are available for the chemical, determine the FACR using the procedure described in Section VI. If fewer than three acceptable experimentally determined ACRs are available, use enough assumed ACRs of 18 so that the total number of ACRs equals three. Calculate the Secondary Acute-Chronic Ratio (SACR) as the geometric mean of the three ACRs. Thus, if no experimentally determined ACRs are available, the SACR is 18.

XIV. Secondary Chronic Value

Calculate the Secondary Chronic Value (SCV) using one of the following:

A. $SCV = \frac{FAV}{SACR}$ (use FAV from Tier I)

B. $SCV = \frac{SAV}{FACR}$

C. $SCV = \frac{SAV}{SACR}$

If appropriate, the SCV will be made a function of a water quality characteristic in a manner similar to that described in Tier I.

XV. Commercially Or Recreationally Important Species

If for a commercially or recreationally important species the geometric mean of the acute values or chronic values from flow-through tests in which the concentrations of the test materials were measured is lower than the calculated SAV or SCV, then that geometric mean must be used as the SAV or SCV instead of the calculated SAV or SCV.

Tier II Value

- A. A Tier II value shall consist of two concentrations: the Secondary Maximum Concentration (SMC) and the Secondary Continuous Concentration (SCC).
- B. The SMC is equal to one-half of the SAV.
- C. The SCC is equal to the lowest of the SCV or the Final Plant Value, if available, unless other data (see section IX of this appendix) show that a lower value should be used.

If toxicity is related to a water quality characteristic, the SCC is obtained from the Secondary Chronic Equation or FPV, if available, that results in the lowest concentrations in the usual range of the water quality characteristic, unless other data (See section IX of this appendix) show that a lower value should be used.

- D. Round both the SMC and the SCC to two significant digits.
- E. The Tier II value is stated as:

The procedures described in the Tier II methodology indicate that, except possibly where a locally important species is very sensitive, aquatic organisms should not be affected unacceptably if the four-day average concentration of (1) does not exceed (2) µg/L more than once every three years on the average and if the one-hour average concentration does not exceed (3) µg/L more than once every three years on the average.

Where:

- (1) = insert name of material
- (2) = insert the SCC
- (3) = insert the SMC

As discussed above, States and Tribes have the discretion to specify alternative averaging periods or frequencies.

XVII. Appropriate Modifications

On the basis of all available pertinent laboratory and field information, determine if the Tier II value is consistent with sound scientific evidence. If it is not, another value, either higher or lower, shall be derived consistent with the Guidance in this part.

Table A-1.
Secondary Acute Factors

Number of minimum data requirements satisfied	Adjustment Factor
1	21.9
2	13.0
3	8.0
4	7.0
5	6.1
6	5.2
7	4.3

Definitions

The following definitions apply in this part. Terms not defined in this section have the meaning given by the Clean Water Act and EPA implementing regulations.

- **Acute-chronic ratio (ACR)** is a standard measure of the acute toxicity of a material divided by an appropriate measure of the chronic toxicity of the same material under comparable conditions.
- **Acute toxicity** is concurrent and delayed adverse effect(s) that results from an acute exposure and occurs within any short observation period which begins when the exposure begins, may extend beyond the exposure period, and usually does not constitute a substantial portion of the life span of the organism.
- **Adverse effect** is any deleterious effect to organisms due to exposure to a substance. This includes effects which are or may become debilitating, harmful or toxic to the normal functions of the organism, but does not include non-harmful effects such as tissue discoloration alone or the induction of enzymes involved in the metabolism of the substance.
- **Bioaccumulation** is the net accumulation of a substance by an organism as a result of uptake from all environmental sources.
- **Bioaccumulation factor (BAF)** is the ratio (in L/kg) of a substance's concentration in tissue of an aquatic organism to its concentration in the ambient water, in situations where both the organism and its food are exposed and the ratio does not change substantially over time.
- **Bioaccumulative chemical of concern (BCC)** is any chemical that has the potential to cause adverse effects which, upon entering the surface waters, by itself or as its toxic transformation product, accumulates in aquatic organisms by a human health bioaccumulation factor greater than 1000, after considering metabolism and other physicochemical properties that might enhance or inhibit bioaccumulation, in accordance with the methodology in appendix B of this part. Chemicals with half-lives of less than eight weeks in the water column, sediment, and biota are not BCCs. The minimum BAF information needed to define an organic chemical as a BCC is either a field-measured BAF or a BAF derived using the BSAF methodology. The minimum BAF information needed to define an inorganic chemical, including an organometal, as a BCC is either a field-measured BAF or a laboratory-measured BCF. BCCs include, but are not limited to, the pollutants identified as BCCs in section A of Table 6 of this part.
- **Bioconcentration** is the net accumulation of a substance by an aquatic organism as a result of uptake directly from the ambient water through gill membranes or other external body surfaces.
- **Bioconcentration factor (BCF)** is the ratio (in L/kg) of a substance's concentration in tissue of an aquatic organism to its concentration in the ambient water, in situations where the organism is exposed through the water only and the ratio does not change substantially over time.
- **Biota-sediment accumulation factor (BSAF)** is the ratio (in kg of organic carbon/kg of lipid) of a substance's lipid-normalized concentration in tissue of an aquatic organism to its organic carbon-normalized concentration in surface sediment, in situations where the ratio does not change substantially over time, both the organism and its food are exposed, and the surface sediment is representative of average surface sediment in the vicinity of the organism.
- **Carcinogen** is a substance which causes an increased incidence of benign or malignant neoplasms, or substantially decreases the time to develop neoplasms, in animals or humans. The classification of carcinogens is discussed in section II.A of appendix C to part 132.
- **Chronic toxicity** is concurrent and delayed adverse effect(s) that occurs only as a result of a chronic exposure.
- **Criterion continuous concentration (CCC)** is an estimate of the highest concentration of a material in the water column to which an aquatic community can be exposed indefinitely without resulting in an unacceptable effect.
- **Criterion maximum concentration (CMC)** is an estimate of the highest concentration of a material in the water column to which an aquatic community can be exposed briefly without resulting in an unacceptable effect.
- **EC50** is a statistically or graphically estimated concentration that is expected to cause one or more specified effects in 50 percent of a group of organisms under specified conditions.
- **Endangered or threatened species** are those species that are listed as endangered or threatened under section 4 of the Endangered Species Act.
- **Existing discharger** is any building, structure, facility, or installation from which there is or may be a "discharge of pollutants" (as defined in 40 CFR 122.2), that is not a new discharger.

- **Federal Indian reservation, Indian reservation, or reservation** means all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation.
- **Final acute value (FAV)** is (a) a calculated estimate of the concentration of a test material such that 95 percent of the genera (with which acceptable acute toxicity tests have been conducted on the material) have higher GMAVs, or (b) the SMAV of an important and/or critical species, if the SMAV is lower than the calculated estimate.
- **Final chronic value (FCV)** is (a) a calculated estimate of the concentration of a test material such that 95 percent of the genera (with which acceptable chronic toxicity tests have been conducted on the material) have higher GMCVs, (b) the quotient of an FAV divided by an appropriate acute-chronic ratio, or (c) the SMCV of an important and/or critical species, if the SMCV is lower than the calculated estimate or the quotient, whichever is applicable.
- **Final plant value (FPV)** is the lowest plant value that was obtained with an important aquatic plant species in an acceptable toxicity test for which the concentrations of the test material were measured and the adverse effect was biologically important.
- **Genus mean acute value (GMAV)** is the geometric mean of the SMAVs for the genus.
- **Genus mean chronic value (GMCV)** is the geometric mean of the SMCVs for the genus.
- **Great Lakes States and Great Lakes Tribes, or Great Lakes States and Tribes** means the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin, and any Indian Tribe as defined in this part which is located in whole or in part within the drainage basin of the Great Lakes, and for which EPA has approved water quality standards under section 303 of the Clean Water Act or which EPA has authorized to administer an NPDES program under section 402 of the Clean Water Act.
- **Human cancer criterion (HCC)** is a Human Cancer Value (HCV) for a pollutant that meets the minimum data requirements for Tier I specified in appendix C of this part.
- **Human cancer value (HCV)** is the maximum ambient water concentration of a substance at which a lifetime of exposure from either: drinking the water, consuming fish from the water, and water-related recreation activities; or consuming fish from the water, and water-related recreation activities, will represent a plausible upper-bound risk of contracting cancer of one in 100,000 using the exposure assumptions specified in the Methodologies for the Development of Human Health Criteria and Values in appendix C of this part.
- **Human noncancer criterion (HNC)** is a Human Noncancer Value (HNV) for a pollutant that meets the minimum data requirements for Tier I specified in appendix C of this part.
- **Human noncancer value (HNV)** is the maximum ambient water concentration of a substance at which adverse noncancer effects are not likely to occur in the human population from lifetime exposure via either: drinking the water, consuming fish from the water, and water-related recreation activities; or consuming fish from the water, and water-related recreation activities using the Methodologies for the Development of Human Health Criteria and Values in appendix C of this part.
- **Indian Tribe or Tribe** means any Indian Tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a Federal Indian reservation.
- **LC50** is a statistically or graphically estimated concentration that is expected to be lethal to 50 percent of a group of organisms under specified conditions.
- **Load allocation (LA)** is the portion of a receiving water's loading capacity that is attributed either to one of its existing or future nonpoint sources or to natural background sources, as more fully defined at 40 CFR 130.2(g). Nonpoint sources include: in-place contaminants, direct wet and dry deposition, groundwater inflow, and overland runoff.
- **Loading capacity** is the greatest amount of loading that a water can receive without violating water quality standards.
- **Lowest observed adverse effect level (LOAEL)** is the lowest tested dose or concentration of a substance which resulted in an observed adverse effect in exposed test organisms when all higher doses or concentrations resulted in the same or more severe effects.
- **Method detection level** is the minimum concentration of an analyte (substance) that can be measured and reported with a 99 percent confidence that the analyte concentration is greater than zero as determined by the procedure set forth in appendix B of 40 CFR part 136.

- **Minimum Level (ML)** is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specified sample weights, volumes and processing steps have been followed.
- **New discharger** is any building, structure, facility, or installation from which there is or may be a "discharge of pollutants" (as defined in 40 CFR 122.2).
- **No observed adverse effect level (NOAEL)** is the highest tested dose or concentration of a substance which resulted in no observed adverse effect in exposed test organisms where higher doses or concentrations resulted in an adverse effect.
- **No observed effect concentration (NOEC)** is the highest concentration of toxicant to which organisms are exposed in a full life cycle or partial life-cycle (short-term) test, that causes no observable adverse effects on the test organisms (i.e., the highest concentration of toxicant in which the values for the observed responses are not statistically significantly different from the controls).
- **Quantification level** is a measurement of the concentration of a contaminant obtained by using a specified laboratory procedure calibrated at a specified concentration above the method detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant.
- **Quantitative structure activity relationship (QSAR)** or structure activity relationship (SAR) is a mathematical relationship between a property (activity) of a chemical and a number of descriptors of the chemical. These descriptors are chemical or physical characteristics obtained experimentally or predicted from the structure of the chemical.
- **Risk associated dose (RAD)** is a dose of a known or presumed carcinogenic substance in (mg/kg)/day which, over a lifetime of exposure, is estimated to be associated with a plausible upper bound incremental cancer risk equal to one in 100,000.
- **Species mean acute value (SMAV)** is the geometric mean of the results of all acceptable flow-through acute toxicity tests (for which the concentrations of the test material were measured) with the most sensitive tested life stage of the species. For a species for which no such result is available for the most sensitive tested life stage, the SMAV is the geometric mean of the results of all acceptable acute toxicity tests with the most sensitive tested life stage.
- **Species mean chronic value (SMCV)** is the geometric mean of the results of all acceptable life-cycle and partial life-cycle toxicity tests with the species; for a species of fish for which no such result is available, the SMCV is the geometric mean of all acceptable early life-stage tests.
- **Stream design flow** is the stream flow that represents critical conditions, upstream from the source, for protection of aquatic life, human health, or wildlife.
- **Threshold effect** is an effect of a substance for which there is a theoretical or empirically established dose or concentration below which the effect does not occur.
- **Tier I criteria** are numeric values derived by use of the Tier I methodologies in appendixes A, C and D of this part, the methodology in appendix B of this part, and the procedures in appendix F of this part, that either have been adopted as numeric criteria into a water quality standard or are used to implement narrative water quality criteria.
- **Tier II values** are numeric values derived by use of the Tier II methodologies in appendixes A and C of this part, the methodology in appendix B of this part, and the procedures in appendix F of this part, that are used to implement narrative water quality criteria.
- **Total maximum daily load (TMDL)** is the sum of the individual waste load allocations for point sources and load allocations for nonpoint sources and natural background, as more fully defined at 40 CFR 130.2(i). A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into a water body and still assure attainment and maintenance of water quality standards.
- **Uncertainty factor (UF)** is one of several numeric factors used in operationally deriving criteria from experimental data to account for the quality or quantity of the available data.
- **Uptake** is acquisition of a substance from the environment by an organism as a result of any active or passive process.
- **Waste load allocation (WLA)** is the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution, as more fully defined at 40 CFR 130.2(h). In the absence of a TMDL approved by EPA pursuant to 40 CFR 130.7 or an assessment and remediation plan developed

and approved in accordance with procedure 3.A of appendix F of this part, a WLA is the allocation for an individual point source, that ensures that the level of water quality to be achieved by the point source is derived from and complies with all applicable water quality standards.

- **Wet weather point source** means any discernible, confined and discrete conveyance from which pollutants are, or may be, discharged as the result of a wet weather event. Discharges from wet weather point sources shall include only: discharges of storm water from a municipal separate storm sewer as defined at 40 CFR 122.26(b)(8); storm water discharge associated with industrial activity as defined at 40 CFR 122.26(b)(14); discharges of storm water and sanitary wastewaters (domestic, commercial, and industrial) from a combined sewer overflow; or any other storm water discharge for which a permit is required under section 402(p) of the Clean Water Act. A storm water discharge associated with industrial activity which is mixed with process wastewater shall not be considered a wet weather point source.

Appendix E

Clean Water Act Section 304(a) Human Health Criteria for Priority Pollutants

Priority Pollutant	Human Health Criteria (µg/L)
Antimony	5.6 ^A
Copper	1300 ^G
Methylmercury	0.3 mg/kg ^D
Nickel	610 ^A
Selenium	170 ^H
Thallium	1.7 ^A
Zinc	7400 ^G
Cyanide	700 ^A
Asbestos	7 million fibers/L ^C
2,3,7,8-TCDD (Dioxin)	0.000000005 ^B
Acrolein	190
Acrylonitrile	0.051 ^{A,B}
Benzene	2.2 ^{A,B}
Bromoform	4.3 ^{A,B}
Carbon Tetrachloride	0.23 ^{A,B}
Chlorobenzene	680 ^{A,G,H}
Chlorodibromomethane	0.4 ^{A,B}
Chloroform	5.7 ^{B,F}
Dichlorobromomethane	0.55 ^{A,B}
1,2-Dichloroethane	0.38 ^{A,B}
1,1-Dichloroethylene	0.057 ^B
1,2-Dichloropropane	0.5 ^{A,B}
1,3-Dichloropropene	10
Ethylbenzene	3100 ^A
Methyl Bromide	47 ^A
Methylene Chloride	4.6 ^{A,B}
1,1,2,2-Tetrachloroethane	0.17 ^{A,B}
Tetrachloroethylene	0.69 ^B
Toluene	6800 ^{A,H}
1,2-Trans-Dichloroethylene	700 ^{A,H}
1,1,2-Trichloroethane	0.59 ^{A,B}

Priority Pollutant	Human Health Criteria (µg/L)
Pentachlorophenol	0.27 ^{A,B}
Phenol	21000 ^{A,G}
2,4,6-Trichlorophenol	1.4 ^{A,B}
Acenaphthene	670 ^{A,G}
Anthracene	8300 ^A
Benidine	0.000086 ^{A,B}
Benzo(a) Anthracene	0.0038 ^{A,B}
Benzo(a) Pyrene	0.0038 ^{A,B}
Benzo(b) Fluoranthene	0.0038 ^{A,B}
Benzo(k) Fluoranthene	0.0038 ^{A,B}
Bis(2-Chloroethyl) Ether	0.03 ^{A,B}
Bis(2-Chloroisopropyl) Ether	1400 ^A
Bis(2-Ethylhexyl)Phthalate	1.2 ^{A,B}
Butylbenzyl Phthalate	1500 ^A
2-Chloronaphthalene	1000 ^A
Chrysene	0.0038 ^{A,B}
Dibenzo(a,h) Anthracene	0.0038 ^{A,B}
1,2-Dichlorobenzene	2700 ^A
1,3-Dichlorobenzene	320
1,4-Dichlorobenzene	400 ^H
3,3'-Dichlorobenzidine	0.021 ^{A,B}
Diethyl Phthalate	17000 ^A
Dimethyl Phthalate	270000
Di-n-Butyl Phthalate	2000 ^A
2,4-Dinitrotoluene	0.11 ^B
1,2-Diphenylhydrazine	0.036 ^{A,B}
Fluoranthene	130 ^A
Fluorene	1100 ^A
Hexachlorobenzene	0.00028 ^{A,B}
Hexachlorobutadiene	0.44 ^{A,B}
Hexachlorocyclopentadiene	240 ^{G,H}

Priority Pollutant	Human Health Criteria (ug/L)
Trichloroethylene	2.5 ^B
Vinyl Chloride	2.0 ^B
2-Chlorophenol	81 ^{A,G}
2,4-Dichlorophenol	77 ^{A,G}
2,4-Dimethylphenol	380 ^A
2-Methyl-4,6-Dinitrophenol	13
2,4-Dinitrophenol	69
Pyrene	830 ^A
1,2,4-Trichlorobenzene	260
Aldrin	0.000049 ^{A,B}
alpha-BHC	0.0026 ^{A,B}
beta-BHC	0.0091 ^{A,B}
gamma-BHC (Lindane)	0.019 ^B
Chlordane	0.0008 ^{A,B}
4,4'-DDT	0.00022 ^{A,B}
4,4'-DDE	0.00022 ^{A,B}
4,4'-DDD	0.00031 ^{A,B}

Priority Pollutant	Human Health Criteria (ug/L)
Hexachloroethane	1.4 ^{A,B}
Ideno(1,2,3-cd) Pyrene	0.0038 ^{A,B}
Isophorone	35 ^{A,B}
Nitrobenzene	17 ^A
N-Nitrosodimethylamine	0.00069 ^{A,B}
N-Nitrosodi-n-Propylamine	0.005 ^{A,B}
N-Nitrosodiphenylamine	3.3 ^{A,B}
Dieldrin	0.000052 ^{A,B}
alpha-Endosulfan	62 ^A
beta-Endosulfan	62 ^A
Endosulfan Sulfate	62 ^A
Endrin	0.76 ^A
Endrin Aldehyde	0.29 ^A
Heptachlor	0.000079 ^{A,B}
Heptachlor Epoxide	0.000039 ^{A,B}
Polychlorinated Biphenyls	0.000064 ^{A,B,E}
Toxaphene	0.00028 ^{A,B}

Footnotes:

- A This criterion has been revised to reflect The Environmental Protection Agency's q1* or RfD, as contained in the Integrated Risk Information System (IRIS) as of May 17, 2002. The fish tissue bioconcentration factor (BCF) from the 1980 Ambient Water Quality Criteria document was retained in each case.
- B This criterion is based on carcinogenicity of 10⁻⁶ risk. Alternate risk levels may be obtained by moving the decimal point (e.g., for a risk level of 10⁻⁵, move the decimal point in the recommended criterion one place to the right).
- C This criterion for asbestos is the Maximum Contaminant Level (MCL) developed under the Safe Drinking Water Act (SDWA).
- D This fish tissue residue criterion for methylmercury is based on a total fish consumption rate of 0.0175 kg/day.
- E This criterion applies to total PCBs, (e.g., the sum of all congener or all isomer or homolog or Aroclor analyses.)
- F Although a new RfD is available in IRIS, the surface water criteria will not be revised until the National Primary Drinking Water Regulations: Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 DBPR) is completed, since public comment on the relative source contribution (RSC) for chloroform is anticipated.
- G The organoleptic effect criterion is more stringent than the value for priority toxic pollutants.
- H EPA has issued a more stringent MCL. Refer to drinking water regulations (40 CFR 141) or Safe Drinking Water Hotline (1-800-426-4791) for values.

- I This human health criterion is the same as originally published in the Red Book which predates the 1980 methodology and did not utilize the fish ingestion BCF approach. This same criterion value is now published in the Gold Book.
- J EPA under the Safe Drinking Water Act has issued a more stringent Maximum Contaminant Level (MCL). Refer to drinking water regulations 40CFR141 or Safe Drinking Water Hotline (1-800-426-4791) for values.
- K This criterion for manganese is not based on toxic effects, but rather is intended to minimize objectionable qualities such as laundry stains and objectionable tastes in beverages.

APPENDIX F

ALTERNATE APPROACHES FOR CALCULATING MIXING ZONES

Alternative 1

Apply the acute criterion at the end-of-pipe.

Alternative 2 (for high velocity discharges => 3 m/s)

The acute criterion should be met within 50 times the discharge length scale (50 times square root of the cross-sectional pipe area). The scientific basis for this alternative is that these conditions will ensure that the acute criterion is met within a few minutes under practically all conditions.

Alternative 3 (for low velocity discharges < 3 m/s)

The acute criterion should be met:

- 1) Within 10% of the distance from the end-of-pipe to the edge of the regulatory mixing zone in any direction. This will restrict the acute zone to a relatively small area around the discharge pipe.
- 2) Within a distance of 50 times the square root of the pipe cross sectional area (discharge length scale). This will ensure a dilution factor of at least ten at the edge of the acute mixing zone.
- 3) Within a distance of 5 times the local in any horizontal direction water depth. This will ensure that mixing zones are not established in shallow, near-shore waters.

Alternative 4 (demonstration by discharger) A discharger may demonstrate that a drifting organism would not be exposed to 1-hour average concentrations exceeding acute aquatic life criteria or would not receive harmful exposure when evaluated by other valid toxicological analyses.