

WAC 173-201A-240
Toxic substances.

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

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

(3) The following criteria, found in Table 240(3), shall be applied to all surface waters of the state of Washington for the protection of aquatic life. The department may revise the following criteria on a statewide or water body-specific basis as needed to protect aquatic life occurring in waters of the state and to increase the technical accuracy of the criteria being applied. The department shall formally adopt any appropriate revised criteria as part of this chapter in accordance with the provisions established in chapter 34.05 RCW, the Administrative Procedure Act. The department shall ensure there are early opportunities for public review and comment on proposals to develop revised criteria. Values are µg/L for all substances except Ammonia and Chloride which are mg/L:

Table 240(3)

Toxics Substances Criteria

Substance	Freshwater		Marine Water	
	Acute	Chronic	Acute	Chronic
Aldrin/Dieldrin e	2.5a	0.0019b	0.71a	0.0019b
Ammonia (un-ionized NH ₃) hh	f,c	g,d	0.233h,c	0.035h,d
Arsenic dd	360.0c	190.0d	69.0c,II	36.0d,cc,II
Cadmium dd	i,c	j,d	42.0c	9.3d
Chlordane	2.4a	0.0043b	0.09a	0.004b
Chloride (Dissolved) k	860.0h,c	230.0h,d	-	-
Chlorine (Total Residual)	19.0c	11.0d	13.0c	7.5d
Chlorpyrifos	0.083c	0.041d	0.011c	0.0056d
Chromium (Hex) dd	15.0c,I,ii	10.0d,jj	1,100.0c,I,II	50.0d,II
Chromium (Tri) gg	m,c	n,d	-	-
Copper dd	o,c	p,d	4.8c,II	3.1d,II
Cyanide ee	22.0c	5.2d	1.0c,mm	d,mm
DDT (and metabolites)	1.1a	0.001b	0.13a	0.001b
Dieldrin/Aldrin e	2.5a	0.0019b	0.71a	0.0019b
Endosulfan	0.22a	0.056b	0.034a	0.0087b
Endrin	0.18a	0.0023b	0.037a	0.0023b
Heptachlor	0.52a	0.0038b	0.053a	0.0036b
Hexachlorocyclohexane (Lindane)	2.0a	0.08b	0.16a	-
Lead dd	q,c	r,d	210.0c,II	8.1d,II
Mercury s	2.1c,kk,dd	0.012d,ff	1.8c,II,dd	0.025d,ff

Nickel dd		t,c	u,d	74.0c,ll	8.2d,ll
Parathion		0.065c	0.013d	-	-
Pentachlorophenol (PCP)		w,c	v,d	13.0c	7.9d
Polychlorinated					
Biphenyls (PCBs)		2.0b	0.014b	10.0b	0.030b
Selenium		20.0c,ff	5.0d,ff	290c,ll,dd	71.0d, x,ll,dd
Silver dd		y,a	-	1.9a,ll	-
Toxaphene		0.73c,z	0.0002d	0.21c,z	0.0002d
Zinc dd		aa,c	bb,d	90.0c,ll	81.0d,ll

Notes to Table 240(3):

- a. An instantaneous concentration not to be exceeded at any time.
- b. A 24-hour average not to be exceeded.
- c. A 1-hour average concentration not to be exceeded more than once every three years on the average.
- d. A 4-day average concentration not to be exceeded more than once every three years on the average.
- e. Aldrin is metabolically converted to Dieldrin. Therefore, the sum of the Aldrin and Dieldrin concentrations are compared with the Dieldrin criteria.
- f. Shall not exceed the numerical value in total ammonia nitrogen (mg N/L) given by:

For salmonids present:	0.275	+	39.0
	$1 + 10^{7.204-pH}$		$1 + 10^{pH-7.204}$
For salmonids absent:	0.411	+	58.4
	$1 + 10^{7.204-pH}$		$1 + 10^{pH-7.204}$

- g. Shall not exceed the numerical concentration calculated as follows:
 Unionized ammonia concentration for waters where salmonid habitat is an existing or designated use:

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

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

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

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

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

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

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

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

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

- h. Measured in milligrams per liter rather than micrograms per liter.
- i. $\leq (0.944)(e^{(1.128[\ln(\text{hardness})]-3.828)})$ at hardness = 100. Conversion factor (CF) of 0.944 is hardness dependent. CF is calculated for other hardnesses as follows: $CF = 1.136672 - [(\ln \text{ hardness})(0.041838)]$.
- j. $\leq (0.909)(e^{(0.7852[\ln(\text{hardness})]-3.490)})$ at hardness = 100. Conversion factor (CF) of 0.909 is hardness dependent. CF is calculated for other hardnesses as follows: $CF = 1.101672 - [(\ln \text{ hardness})(0.041838)]$.
- k. Criterion based on dissolved chloride in association with sodium. This criterion probably will not be adequately protective when the chloride is associated with potassium, calcium, or magnesium, rather than sodium.
- l. Salinity dependent effects. At low salinity the 1-hour average may not be sufficiently protective.
- m. $\leq (0.316)e^{(0.8190[\ln(\text{hardness})] + 3.688)}$
- n. $\leq (0.860)e^{(0.8190[\ln(\text{hardness})] + 1.561)}$
- o. $\leq (0.960)(e^{(0.9422[\ln(\text{hardness})] - 1.464)})$
- p. $\leq (0.960)(e^{(0.8545[\ln(\text{hardness})] - 1.465)})$
- q. $\leq (0.791)(e^{(1.273[\ln(\text{hardness})] - 1.460)})$ at hardness = 100. Conversion factor (CF) of 0.791 is hardness dependent. CF is calculated for other hardnesses as follows: $CF = 1.46203 - [(\ln \text{ hardness})(0.145712)]$.
- r. $\leq (0.791)(e^{(1.273[\ln(\text{hardness})] - 4.705)})$ at hardness = 100. Conversion factor (CF) of 0.791 is hardness dependent. CF is calculated for other hardnesses as follows: $CF = 1.46203 - [(\ln \text{ hardness})(0.145712)]$.
- s. If the four-day average chronic concentration is exceeded more than once in a three-year period, the edible portion of the consumed species should be analyzed. Said edible tissue concentrations shall not be allowed to exceed 1.0 mg/kg of methylmercury.
- t. $\leq (0.998)(e^{(0.8460[\ln(\text{hardness})] + 3.3612)})$
- u. $\leq (0.997)(e^{(0.8460[\ln(\text{hardness})] + 1.1645)})$
- v. $\leq e^{[1.005(\text{pH}) - 5.290]}$
- w. $\leq e^{[1.005(\text{pH}) - 4.830]}$
- x. The status of the fish community should be monitored whenever the concentration of selenium exceeds 5.0 ug/l in salt water.
- y. $\leq (0.85)(e^{(1.72[\ln(\text{hardness})] - 6.52)})$
- z. Channel Catfish may be more acutely sensitive.
- aa. $\leq (0.978)(e^{(0.8473[\ln(\text{hardness})] + 0.8604)})$
- bb. $\leq (0.986)(e^{(0.8473[\ln(\text{hardness})] + 0.7614)})$
- cc. Nonlethal effects (growth, C-14 uptake, and chlorophyll production) to diatoms (*Thalassiosira aestivalis* and *Skeletonema costatum*) which are common to Washington's waters have been noted at levels below the established criteria. The importance of these effects to the diatom populations and the aquatic system is sufficiently in question to persuade the state to adopt the USEPA National Criteria value (36 µg/L) as the state threshold criteria, however, wherever practical the ambient concentrations should not be allowed to exceed a chronic marine concentration of 21 µg/L.
- dd. These ambient criteria in the table are for the dissolved fraction. The cyanide criteria are based on the weak acid dissociable method. The metals criteria may not be used to calculate total recoverable effluent limits unless the seasonal partitioning of the dissolved to total metals in the ambient water are known. When this information is absent, these metals criteria shall be applied as total recoverable values, determined by back-calculation, using the conversion factors incorporated in the criterion equations. Metals criteria may be adjusted on a site-specific basis when data are made available to the department clearly demonstrating the effective use of the water effects ratio approach established by USEPA, as generally guided by the procedures in USEPA Water Quality Standards Handbook, December 1983, as supplemented or replaced by USEPA or ecology. Information which is used to develop effluent limits based on applying metals partitioning studies or the water effects ratio approach shall be identified in the permit fact sheet developed pursuant to WAC 173-220-060 or 173-226-110, as appropriate, and shall be made available for

the public comment period required pursuant to WAC 173-220-050 or 173-226-130(3), as appropriate. Ecology has developed supplemental guidance for conducting water effect ratio studies.

- ee. The criteria for cyanide is based on the weak acid dissociable method in the 17th Ed. Standard Methods for the Examination of Water and Wastewater, 4500-CN I, and as revised (see footnote dd, above).
- ff. These criteria are based on the total-recoverable fraction of the metal.
- gg. Where methods to measure trivalent chromium are unavailable, these criteria are to be represented by total-recoverable chromium.
- hh. The listed fresh water criteria are based on unionized or total ammonia concentrations, while those for marine water are based on total ammonia concentrations. Tables for the conversion of total ammonia to un-ionized ammonia for freshwater can be found in the USEPA's Quality Criteria for Water, 1986. Criteria concentrations based on total ammonia for marine water can be found in USEPA Ambient Water Quality Criteria for Ammonia (Saltwater)-1989, EPA440/5-88-004, April 1989.
- ii. The conversion factor used to calculate the dissolved metal concentration was 0.982.
- jj. The conversion factor used to calculate the dissolved metal concentration was 0.962.
- kk. The conversion factor used to calculate the dissolved metal concentration was 0.85.
- ll. Marine conversion factors (CF) which were used for calculating dissolved metals concentrations are given below. Conversion factors are applicable to both acute and chronic criteria for all metals except mercury. The CF for mercury was applied to the acute criterion only and is not applicable to the chronic criterion. Conversion factors are already incorporated into the criteria in the table. Dissolved criterion = criterion x CF

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

- mm. The cyanide criteria are: 2.8µg/l chronic and 9.1µg/l acute and are applicable only to waters which are east of a line from Point Roberts to Lawrence Point, to Green Point to Deception Pass; and south from Deception Pass and of a line from Partridge Point to Point Wilson. The chronic criterion applicable to the remainder of the marine waters is 1 µg/L.

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

(5) Concentrations of toxic, and other substances with toxic propensities not listed in subsection (3) of this section shall be determined in consideration of USEPA Quality Criteria for Water, 1986, and as revised, and other relevant information as appropriate. Human health-based water quality criteria used by the state are contained in 40 CFR 131.36 (known as the National Toxics Rule).

(6) Risk-based criteria for carcinogenic substances shall be selected such that the upper-bound excess cancer risk is less than or equal to one in one million.

[Statutory Authority: RCW 90.48.035, 06-23-117 (Order 06-04), § 173-201A-240, filed 11/20/06, effective 12/21/06. Statutory Authority: Chapters 90.48 and 90.54 RCW, 03-14-129 (Order 02-14), amended and recodified as § 173-201A-240, filed 7/1/03, effective 8/1/03. Statutory Authority: Chapter 90.48 RCW and 40 CFR 131.97-23-064 (Order 94-19), § 173-201A-040, filed 11/18/97, effective 12/19/97. Statutory Authority: Chapter 90.48 RCW, 92-24-037 (Order 92-29), § 173-201A-040, filed 11/25/92, effective 12/26/92.]

Notes:

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.