

**PART 131—WATER QUALITY STANDARDS****Subpart A—General Provisions**

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AUTHORITY: 33 U.S.C. 1251 *et seq.*

SOURCE: 48 FR 51405, Nov. 8, 1983, unless otherwise noted.

**Subpart A—General Provisions****§ 131.1 Scope.**

This part describes the requirements and procedures for developing, review-

ing, revising, and approving water quality standards by the States as authorized by section 303(c) of the Clean Water Act. Additional specific procedures for developing, reviewing, revising, and approving water quality standards for Great Lakes States or Great Lakes Tribes (as defined in 40 CFR 132.2) to conform to section 118 of the Clean Water Act and 40 CFR part 132, are provided in 40 CFR part 132.

[60 FR 15386, Mar. 23, 1995]

**§ 131.2 Purpose.**

A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. States adopt water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act (the Act). "Serve the purposes of the Act" (as defined in sections 101(a)(2) and 303(c) of the Act) means that water quality standards should, wherever attainable, provide water quality for the protection and propagation of fish, shellfish and wildlife and for recreation in and on the water and take into consideration their use and value of public water supplies, propagation of fish, shellfish, and wildlife, recreation in and on the water, and agricultural, industrial, and other purposes including navigation.

Such standards serve the dual purposes of establishing the water quality goals for a specific water body and serve as the regulatory basis for the establishment of water-quality-based treatment controls and strategies beyond the technology-based levels of treatment required by sections 301(b) and 306 of the Act.

**§ 131.3 Definitions.**

(a) *The Act* means the Clean Water Act (Pub. L. 92-500, as amended (33 U.S.C. 1251 *et seq.*)).

(b) *Criteria* are elements of State water quality standards, expressed as constituent concentrations, levels, or narrative statements, representing a quality of water that supports a particular use. When criteria are met,

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water quality will generally protect the designated use.

(c) *Section 304(a) criteria* are developed by EPA under authority of section 304(a) of the Act based on the latest scientific information on the relationship that the effect of a constituent concentration has on particular aquatic species and/or human health. This information is issued periodically to the States as guidance for use in developing criteria.

(d) *Toxic pollutants* are those pollutants listed by the Administrator under section 307(a) of the Act.

(e) *Existing uses* are those uses actually attained in the water body on or after November 28, 1975, whether or not they are included in the water quality standards.

(f) *Designated uses* are those uses specified in water quality standards for each water body or segment whether or not they are being attained.

(g) *Use attainability analysis* is a structured scientific assessment of the factors affecting the attainment of the use which may include physical, chemical, biological, and economic factors as described in § 131.10(g).

(h) *Water quality limited segment* means any segment where it is known that water quality does not meet applicable water quality standards, and/or is not expected to meet applicable water quality standards, even after the application of the technology-based effluent limitations required by sections 301(b) and 306 of the Act.

(i) *Water quality standards* are provisions of State or Federal law which consist of a designated use or uses for the waters of the United States and water quality criteria for such waters based upon such uses. Water quality standards are to protect the public health or welfare, enhance the quality of water and serve the purposes of the Act.

(j) *States* include: The 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and Indian Tribes that EPA determines to be eligible for purposes of water quality standards program.

(k) *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."

(l) *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.

[48 FR 51405, Nov. 8, 1983, as amended at 56 FR 64893, Dec. 12, 1991; 59 FR 64344, Dec. 14, 1994]

### § 131.4 State authority.

(a) States (as defined in § 131.3) are responsible for reviewing, establishing, and revising water quality standards. As recognized by section 510 of the Clean Water Act, States may develop water quality standards more stringent than required by this regulation. Consistent with section 101(g) and 518(a) of the Clean Water Act, water quality standards shall not be construed to supersede or abrogate rights to quantities of water.

(b) States (as defined in § 131.3) may issue certifications pursuant to the requirements of Clean Water Act section 401. Revisions adopted by States shall be applicable for use in issuing State certifications consistent with the provisions of § 131.21(c).

(c) Where EPA determines that a Tribe is eligible to the same extent as a State for purposes of water quality standards, the Tribe likewise is eligible to the same extent as a State for purposes of certifications conducted under Clean Water Act section 401.

[56 FR 64893, Dec. 12, 1991, as amended at 59 FR 64344, Dec. 14, 1994]

### § 131.5 EPA authority.

(a) Under section 303(c) of the Act, EPA is to review and to approve or disapprove State-adopted water quality standards. The review involves a determination of:

(1) Whether the State has adopted water uses which are consistent with the requirements of the Clean Water Act;

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(2) Whether the State has adopted criteria that protect the designated water uses;

(3) Whether the State has followed its legal procedures for revising or adopting standards;

(4) Whether the State standards which do not include the uses specified in section 101(a)(2) of the Act are based upon appropriate technical and scientific data and analyses, and

(5) Whether the State submission meets the requirements included in § 131.6 of this part and, for Great Lakes States or Great Lakes Tribes (as defined in 40 CFR 132.2) to conform to section 118 of the Act, the requirements of 40 CFR part 132.

(b) If EPA determines that the State's or Tribe's water quality standards are consistent with the factors listed in paragraphs (a)(1) through (a)(5) of this section, EPA approves the standards. EPA must disapprove the State's or Tribe's water quality standards and promulgate Federal standards under section 303(c)(4), and for Great Lakes States or Great Lakes Tribes under section 118(c)(2)(C) of the Act, if State or Tribal adopted standards are not consistent with the factors listed in paragraphs (a)(1) through (a)(5) of this section. EPA may also promulgate a new or revised standard when necessary to meet the requirements of the Act.

(c) Section 401 of the Clean Water Act authorizes EPA to issue certifications pursuant to the requirements of section 401 in any case where a State or interstate agency has no authority for issuing such certifications.

[48 FR 51405, Nov. 8, 1983, as amended at 56 FR 64894, Dec. 12, 1991; 60 FR 15387, Mar. 23, 1995]

### **§ 131.6 Minimum requirements for water quality standards submission.**

The following elements must be included in each State's water quality standards submitted to EPA for review:

(a) Use designations consistent with the provisions of sections 101(a)(2) and 303(c)(2) of the Act.

(b) Methods used and analyses conducted to support water quality standards revisions.

(c) Water quality criteria sufficient to protect the designated uses.

(d) An antidegradation policy consistent with § 131.12.

(e) Certification by the State Attorney General or other appropriate legal authority within the State that the water quality standards were duly adopted pursuant to State law.

(f) General information which will aid the Agency in determining the adequacy of the scientific basis of the standards which do not include the uses specified in section 101(a)(2) of the Act as well as information on general policies applicable to State standards which may affect their application and implementation.

### **§ 131.7 Dispute resolution mechanism.**

(a) Where disputes between States and Indian Tribes arise as a result of differing water quality standards on common bodies of water, the lead EPA Regional Administrator, as determined based upon OMB circular A-105, shall be responsible for acting in accordance with the provisions of this section.

(b) The Regional Administrator shall attempt to resolve such disputes where:

(1) The difference in water quality standards results in unreasonable consequences;

(2) The dispute is between a State (as defined in § 131.3(j) but exclusive of all Indian Tribes) and a Tribe which EPA has determined is eligible to the same extent as a State for purposes of water quality standards;

(3) A reasonable effort to resolve the dispute without EPA involvement has been made;

(4) The requested relief is consistent with the provisions of the Clean Water Act and other relevant law;

(5) The differing State and Tribal water quality standards have been adopted pursuant to State and Tribal law and approved by EPA; and

(6) A valid written request has been submitted by either the Tribe or the State.

(c) Either a State or a Tribe may request EPA to resolve any dispute which satisfies the criteria of paragraph (b) of this section. Written requests for EPA involvement should be

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submitted to the lead Regional Administrator and must include:

(1) A concise statement of the unreasonable consequences that are alleged to have arisen because of differing water quality standards;

(2) A concise description of the actions which have been taken to resolve the dispute without EPA involvement;

(3) A concise indication of the water quality standards provision which has resulted in the alleged unreasonable consequences;

(4) Factual data to support the alleged unreasonable consequences; and

(5) A statement of the relief sought from the alleged unreasonable consequences.

(d) Where, in the Regional Administrator's judgment, EPA involvement is appropriate based on the factors of paragraph (b) of this section, the Regional Administrator shall, within 30 days, notify the parties in writing that he/she is initiating an EPA dispute resolution action and solicit their written response. The Regional Administrator shall also make reasonable efforts to ensure that other interested individuals or groups have notice of this action. Such efforts shall include but not be limited to the following:

(1) Written notice to responsible Tribal and State Agencies, and other affected Federal agencies,

(2) Notice to the specific individual or entity that is alleging that an unreasonable consequence is resulting from differing standards having been adopted on a common body of water,

(3) Public notice in local newspapers, radio, and television, as appropriate,

(4) Publication in trade journal newsletters, and

(5) Other means as appropriate.

(e) If in accordance with applicable State and Tribal law an Indian Tribe and State have entered into an agreement that resolves the dispute or establishes a mechanism for resolving a dispute, EPA shall defer to this agreement where it is consistent with the Clean Water Act and where it has been approved by EPA.

(f) EPA dispute resolution actions shall be consistent with one or a combination of the following options:

(1) *Mediation.* The Regional Administrator may appoint a mediator to me-

diate the dispute. Mediators shall be EPA employees, employees from other Federal agencies, or other individuals with appropriate qualifications.

(i) Where the State and Tribe agree to participate in the dispute resolution process, mediation with the intent to establish Tribal-State agreements, consistent with Clean Water Act section 518(d), shall normally be pursued as a first effort.

(ii) Mediators shall act as neutral facilitators whose function is to encourage communication and negotiation between all parties to the dispute.

(iii) Mediators may establish advisory panels, to consist in part of representatives from the affected parties, to study the problem and recommend an appropriate solution.

(iv) The procedure and schedule for mediation of individual disputes shall be determined by the mediator in consultation with the parties.

(v) If formal public hearings are held in connection with the actions taken under this paragraph, Agency requirements at 40 CFR 25.5 shall be followed.

(2) *Arbitration.* Where the parties to the dispute agree to participate in the dispute resolution process, the Regional Administrator may appoint an arbitrator or arbitration panel to arbitrate the dispute. Arbitrators and panel members shall be EPA employees, employees from other Federal agencies, or other individuals with appropriate qualifications. The Regional administrator shall select as arbitrators and arbitration panel members individuals who are agreeable to all parties, are knowledgeable concerning the requirements of the water quality standards program, have a basic understanding of the political and economic interests of Tribes and States involved, and are expected to fulfill the duties fairly and impartially.

(i) The arbitrator or arbitration panel shall conduct one or more private or public meetings with the parties and actively solicit information pertaining to the effects of differing water quality permit requirements on upstream and downstream dischargers, comparative risks to public health and the environment, economic impacts, present and historical water uses, the quality of the waters subject to such

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standards, and other factors relevant to the dispute, such as whether proposed water quality criteria are more stringent than necessary to support designated uses, more stringent than natural background water quality or whether designated uses are reasonable given natural background water quality.

(ii) Following consideration of relevant factors as defined in paragraph (f)(2)(i) of this section, the arbitrator or arbitration panel shall have the authority and responsibility to provide all parties and the Regional Administrator with a written recommendation for resolution of the dispute. Arbitration panel recommendations shall, in general, be reached by majority vote. However, where the parties agree to binding arbitration, or where required by the Regional Administrator, recommendations of such arbitration panels may be unanimous decisions. Where binding or non-binding arbitration panels cannot reach a unanimous recommendation after a reasonable period of time, the Regional Administrator may direct the panel to issue a non-binding decision by majority vote.

(iii) The arbitrator or arbitration panel members may consult with EPA's Office of General Counsel on legal issues, but otherwise shall have no *ex parte* communications pertaining to the dispute. Federal employees who are arbitrators or arbitration panel members shall be neutral and shall not be predisposed for or against the position of any disputing party based on any Federal Trust responsibilities which their employers may have with respect to the Tribe. In addition, arbitrators or arbitration panel members who are Federal employees shall act independently from the normal hierarchy within their agency.

(iv) The parties are not obligated to abide by the arbitrator's or arbitration panel's recommendation unless they voluntarily entered into a binding agreement to do so.

(v) If a party to the dispute believes that the arbitrator or arbitration panel has recommended an action contrary to or inconsistent with the Clean Water Act, the party may appeal the arbitrator's recommendation to the Regional Administrator. The request

for appeal must be in writing and must include a description of the statutory basis for altering the arbitrator's recommendation.

(vi) The procedure and schedule for arbitration of individual disputes shall be determined by the arbitrator or arbitration panel in consultation with parties.

(vii) If formal public hearings are held in connection with the actions taken under this paragraph, Agency requirements at 40 CFR 25.5 shall be followed.

(3) *Dispute resolution default procedure.* Where one or more parties (as defined in paragraph (g) of this section) refuse to participate in either the mediation or arbitration dispute resolution processes, the Regional Administrator may appoint a single official or panel to review available information pertaining to the dispute and to issue a written recommendation for resolving the dispute. Review officials shall be EPA employees, employees from other Federal agencies, or other individuals with appropriate qualifications. Review panels shall include appropriate members to be selected by the Regional Administrator in consultation with the participating parties. Recommendations of such review officials or panels shall, to the extent possible given the lack of participation by one or more parties, be reached in a manner identical to that for arbitration of disputes specified in paragraphs (f)(2)(i) through (f)(2)(vii) of this section.

(g) *Definitions.* For the purposes of this section:

(1) *Dispute Resolution Mechanism* means the EPA mechanism established pursuant to the requirements of Clean Water Act section 518(e) for resolving unreasonable consequences that arise as a result of differing water quality standards that may be set by States and Indian Tribes located on common bodies of water.

(2) *Parties* to a State-Tribal dispute include the State and the Tribe and may, at the discretion of the Regional Administrator, include an NPDES permittee, citizen, citizen group, or other affected entity.

[56 FR 64894, Dec. 12, 1991, as amended at 59 FR 64344, Dec. 14, 1994]

**§ 131.8 Requirements for Indian Tribes to administer a water quality standards program.**

(a) The Regional Administrator, as determined based on OMB Circular A-105, may accept and approve a tribal application for purposes of administering a water quality standards program if the Tribe meets the following criteria:

(1) The Indian Tribe is recognized by the Secretary of the Interior and meets the definitions in § 131.3 (k) and (l).

(2) The Indian Tribe has a governing body carrying out substantial governmental duties and powers.

(3) The water quality standards program to be administered by the Indian Tribe pertains to the management and protection of water resources which are within the borders of the Indian reservation and held by the Indian Tribe, within the borders of the Indian reservation and held by the United States in trust for Indians, within the borders of the Indian reservation and held by a member of the Indian Tribe if such property interest is subject to a trust restriction on alienation, or otherwise within the borders of the Indian reservation, and

(4) The Indian Tribe is reasonably expected to be capable, in the Regional Administrator's judgment, of carrying out the functions of an effective water quality standards program in a manner consistent with the terms and purposes of the Act and applicable regulations.

(b) Requests by Indian Tribes for administration of a water quality standards program should be submitted to the lead EPA Regional Administrator. The application shall include the following information:

(1) A statement that the Tribe is recognized by the Secretary of the Interior.

(2) A descriptive statement demonstrating that the Tribal governing body is currently carrying out substantial governmental duties and powers over a defined area. The statement should:

(i) Describe the form of the Tribal government;

(ii) Describe the types of governmental functions currently performed by the Tribal governing body such as, but not limited to, the exercise of po-

lice powers affecting (or relating to) the health, safety, and welfare of the affected population, taxation, and the exercise of the power of eminent domain; and

(iii) Identify the source of the Tribal government's authority to carry out the governmental functions currently being performed.

(3) A descriptive statement of the Indian Tribe's authority to regulate water quality. The statement should include:

(i) A map or legal description of the area over which the Indian Tribe asserts authority to regulate surface water quality;

(ii) A statement by the Tribe's legal counsel (or equivalent official) which describes the basis for the Tribes assertion of authority and which may include a copy of documents such as Tribal constitutions, by-laws, charters, executive orders, codes, ordinances, and/or resolutions which support the Tribe's assertion of authority; and

(iii) An identification of the surface waters for which the Tribe proposes to establish water quality standards.

(4) A narrative statement describing the capability of the Indian Tribe to administer an effective water quality standards program. The narrative statement should include:

(i) A description of the Indian Tribe's previous management experience which may include the administration of programs and services authorized by the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 *et seq.*), the Indian Mineral Development Act (25 U.S.C. 2101 *et seq.*), or the Indian Sanitation Facility Construction Activity Act (42 U.S.C. 2004a);

(ii) A list of existing environmental or public health programs administered by the Tribal governing body and copies of related Tribal laws, policies, and regulations;

(iii) A description of the entity (or entities) which exercise the executive, legislative, and judicial functions of the Tribal government;

(iv) A description of the existing, or proposed, agency of the Indian Tribe which will assume primary responsibility for establishing, reviewing, implementing and revising water quality standards;

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(v) A description of the technical and administrative capabilities of the staff to administer and manage an effective water quality standards program or a plan which proposes how the Tribe will acquire additional administrative and technical expertise. The plan must address how the Tribe will obtain the funds to acquire the administrative and technical expertise.

(5) Additional documentation required by the Regional Administrator which, in the judgment of the Regional Administrator, is necessary to support a Tribal application.

(6) Where the Tribe has previously qualified for eligibility or "treatment as a state" under a Clean Water Act or Safe Drinking Water Act program, the Tribe need only provide the required information which has not been submitted in a previous application.

(c) Procedure for processing an Indian Tribe's application.

(1) The Regional Administrator shall process an application of an Indian Tribe submitted pursuant to §131.8(b) in a timely manner. He shall promptly notify the Indian Tribe of receipt of the application.

(2) Within 30 days after receipt of the Indian Tribe's application the Regional Administrator shall provide appropriate notice. Notice shall:

(i) Include information on the substance and basis of the Tribe's assertion of authority to regulate the quality of reservation waters; and

(ii) Be provided to all appropriate governmental entities.

(3) The Regional Administrator shall provide 30 days for comments to be submitted on the Tribal application. Comments shall be limited to the Tribe's assertion of authority.

(4) If a Tribe's asserted authority is subject to a competing or conflicting claim, the Regional Administrator, after due consideration, and in consideration of other comments received, shall determine whether the Tribe has adequately demonstrated that it meets the requirements of §131.8(a)(3).

(5) Where the Regional Administrator determines that a Tribe meets the requirements of this section, he shall promptly provide written notification to the Indian Tribe that the Tribe is

authorized to administer the Water Quality Standards program.

[56 FR 64895, Dec. 12, 1991, as amended at 59 FR 64344, Dec. 14, 1994]

### Subpart B—Establishment of Water Quality Standards

#### § 131.10 Designation of uses.

(a) Each State must specify appropriate water uses to be achieved and protected. The classification of the waters of the State must take into consideration the use and value of water for public water supplies, protection and propagation of fish, shellfish and wildlife, recreation in and on the water, agricultural, industrial, and other purposes including navigation. In no case shall a State adopt waste transport or waste assimilation as a designated use for any waters of the United States.

(b) In designating uses of a water body and the appropriate criteria for those uses, the State shall take into consideration the water quality standards of downstream waters and shall ensure that its water quality standards provide for the attainment and maintenance of the water quality standards of downstream waters.

(c) States may adopt sub-categories of a use and set the appropriate criteria to reflect varying needs of such sub-categories of uses, for instance, to differentiate between cold water and warm water fisheries.

(d) At a minimum, uses are deemed attainable if they can be achieved by the imposition of effluent limits required under sections 301(b) and 306 of the Act and cost-effective and reasonable best management practices for nonpoint source control.

(e) Prior to adding or removing any use, or establishing sub-categories of a use, the State shall provide notice and an opportunity for a public hearing under §131.20(b) of this regulation.

(f) States may adopt seasonal uses as an alternative to reclassifying a water body or segment thereof to uses requiring less stringent water quality criteria. If seasonal uses are adopted, water quality criteria should be adjusted to reflect the seasonal uses,

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however, such criteria shall not preclude the attainment and maintenance of a more protective use in another season.

(g) States may remove a designated use which is *not* an existing use, as defined in §131.3, or establish sub-categories of a use if the State can demonstrate that attaining the designated use is not feasible because:

(1) Naturally occurring pollutant concentrations prevent the attainment of the use; or

(2) Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating State water conservation requirements to enable uses to be met; or

(3) Human caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place; or

(4) Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in the attainment of the use; or

(5) Physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life protection uses; or

(6) Controls more stringent than those required by sections 301(b) and 306 of the Act would result in substantial and widespread economic and social impact.

(h) States may not remove designated uses if:

(1) They are existing uses, as defined in §131.3, unless a use requiring more stringent criteria is added; or

(2) Such uses will be attained by implementing effluent limits required under sections 301(b) and 306 of the Act and by implementing cost-effective and reasonable best management practices for nonpoint source control.

(i) Where existing water quality standards specify designated uses less than those which are presently being attained, the State shall revise its standards to reflect the uses actually being attained.

(j) A State must conduct a use attainability analysis as described in §131.3(g) whenever:

(1) The State designates or has designated uses that do not include the uses specified in section 101(a)(2) of the Act, or

(2) The State wishes to remove a designated use that is specified in section 101(a)(2) of the Act or to adopt subcategories of uses specified in section 101(a)(2) of the Act which require less stringent criteria.

(k) A State is not required to conduct a use attainability analysis under this regulation whenever designating uses which include those specified in section 101(a)(2) of the Act.

§ 131.11 **Criteria.**

(a) *Inclusion of pollutants:* (1) States must adopt those water quality criteria that protect the designated use. Such criteria must be based on sound scientific rationale and must contain sufficient parameters or constituents to protect the designated use. For waters with multiple use designations, the criteria shall support the most sensitive use.

(2) *Toxic pollutants.* States must review water quality data and information on discharges to identify specific water bodies where toxic pollutants may be adversely affecting water quality or the attainment of the designated water use or where the levels of toxic pollutants are at a level to warrant concern and must adopt criteria for such toxic pollutants applicable to the water body sufficient to protect the designated use. Where a State adopts narrative criteria for toxic pollutants to protect designated uses, the State must provide information identifying the method by which the State intends to regulate point source discharges of toxic pollutants on water quality limited segments based on such narrative criteria. Such information may be included as part of the standards or may be included in documents generated by the State in response to the Water



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Quality Planning and Management Regulations (40 CFR part 35).

(b) Form of criteria: In establishing criteria, States should:

(1) Establish numerical values based on:

- (i) 304(a) Guidance; or
- (ii) 304(a) Guidance modified to reflect site-specific conditions; or
- (iii) Other scientifically defensible methods;

(2) Establish narrative criteria or criteria based upon biomonitoring methods where numerical criteria cannot be established or to supplement numerical criteria.

### § 131.12 Antidegradation policy.

(a) The State shall develop and adopt a statewide antidegradation policy and identify the methods for implementing such policy pursuant to this subpart. The antidegradation policy and implementation methods shall, at a minimum, be consistent with the following:

(1) Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.

(2) Where the quality of the waters exceed levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the State finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the State's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such degradation or lower water quality, the State shall assure water quality adequate to protect existing uses fully. Further, the State shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable best management practices for nonpoint source control.

(3) Where high quality waters constitute an outstanding National resource, such as waters of National and State parks and wildlife refuges and waters of exceptional recreational or

ecological significance, that water quality shall be maintained and protected.

(4) In those cases where potential water quality impairment associated with a thermal discharge is involved, the antidegradation policy and implementing method shall be consistent with section 316 of the Act.

### § 131.13 General policies.

States may, at their discretion, include in their State standards, policies generally affecting their application and implementation, such as mixing zones, low flows and variances. Such policies are subject to EPA review and approval.

## Subpart C—Procedures for Review and Revision of Water Quality Standards

### § 131.20 State review and revision of water quality standards.

(a) *State review.* The State shall from time to time, but at least once every three years, hold public hearings for the purpose of reviewing applicable water quality standards and, as appropriate, modifying and adopting standards. Any water body segment with water quality standards that do not include the uses specified in section 101(a)(2) of the Act shall be re-examined every three years to determine if any new information has become available. If such new information indicates that the uses specified in section 101(a)(2) of the Act are attainable, the State shall revise its standards accordingly. Procedures States establish for identifying and reviewing water bodies for review should be incorporated into their Continuing Planning Process.

(b) *Public participation.* The State shall hold a public hearing for the purpose of reviewing water quality standards, in accordance with provisions of State law, EPA's water quality management regulation (40 CFR 130.3(b)(6)) and public participation regulation (40 CFR part 25). The proposed water quality standards revision and supporting analyses shall be made available to the public prior to the hearing.

(c) *Submittal to EPA.* The State shall submit the results of the review, any

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supporting analysis for the use attainability analysis, the methodologies used for site-specific criteria development, any general policies applicable to water quality standards and any revisions of the standards to the Regional Administrator for review and approval, within 30 days of the final State action to adopt and certify the revised standard, or if no revisions are made as a result of the review, within 30 days of the completion of the review.

**§ 131.21 EPA review and approval of water quality standards.**

(a) After the State submits its officially adopted revisions, the Regional Administrator shall either:

- (1) Notify the State within 60 days that the revisions are approved, or
- (2) Notify the State within 90 days that the revisions are disapproved. Such notification of disapproval shall

specify the changes needed to assure compliance with the requirements of the Act and this regulation, and shall explain why the State standard is not in compliance with such requirements. Any new or revised State standard must be accompanied by some type of supporting analysis.

(b) The Regional Administrator's approval or disapproval of a State water quality standard shall be based on the requirements of the Act as described in §§131.5 and 131.6, and, with respect to Great Lakes States or Tribes (as defined in 40 CFR 132.2), 40 CFR part 132.

(c) *How do I determine which water quality standards are applicable for purposes of the Act?* You may determine which water quality standards are applicable water quality standards for purposes of the Act from the following table:

If—	Then—	Unless or until—	In which case—
(1) A State or authorized Tribe has adopted a water quality standard that is effective under State or Tribal law and has been submitted to EPA before May 30, 2000...	...the State or Tribe's water quality standard is the applicable water quality standard for purposes of the Act...	...EPA has promulgated a more stringent water quality standard for the State or Tribe that is in effect...	...the EPA-promulgated water quality standard is the applicable water quality standard for purposes of the Act until EPA withdraws the Federal water quality standard.
(2) A State or authorized Tribe adopts a water quality standard that goes into effect under State or Tribal law on or after May 30, 2000...	...once EPA approves that water quality standard, it becomes the applicable water quality standard for purposes of the Act...	...EPA has promulgated a more stringent water quality standard for the State or Tribe that is in effect...	...the EPA promulgated water quality standard is the applicable water quality standard for purposes of the Act until EPA withdraws the Federal water quality standard.

(d) *When do I use the applicable water quality standards identified in paragraph (c) above?* Applicable water quality standards for purposes of the Act are the minimum standards which must be used when the CWA and regulations implementing the CWA refer to water quality standards, for example, in identifying impaired waters and calculating TMDLs under section 303(d), developing NPDES permit limitations under section 301(b)(1)(C), evaluating proposed discharges of dredged or fill material under section 404, and in issuing certifications under section 401 of the Act.

(e) *For how long does an applicable water quality standard for purposes of the Act remain the applicable water quality standard for purposes of the Act?* A State

or authorized Tribe's applicable water quality standard for purposes of the Act remains the applicable standard until EPA approves a change, deletion, or addition to that water quality standard, or until EPA promulgates a more stringent water quality standard.

(f) *How can I find out what the applicable standards are for purposes of the Act?* In each Regional office, EPA maintains a docket system for the States and authorized Tribes in that Region, available to the public, identifying the applicable water quality standards for purposes of the Act.

[48 FR 51405, Nov. 8, 1983, as amended at 60 FR 15387, Mar. 23, 1995; 65 FR 24653, Apr. 27, 2000]

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### § 131.22 EPA promulgation of water quality standards.

(a) If the State does not adopt the changes specified by the Regional Administrator within 90 days after notification of the Regional Administrator's disapproval, the Administrator shall promptly propose and promulgate such standard.

(b) The Administrator may also propose and promulgate a regulation, applicable to one or more States, setting forth a new or revised standard upon determining such a standard is necessary to meet the requirements of the Act.

(c) In promulgating water quality standards, the Administrator is subject to the same policies, procedures, analyses, and public participation requirements established for States in these regulations.

### Subpart D—Federally Promulgated Water Quality Standards

#### § 131.31 Arizona.

(a) [Reserved]

(b) The following waters have, in addition to the uses designated by the State, the designated use of fish consumption as defined in R18-11-101 (which is available from the Arizona Department of Environmental Quality, Water Quality Division, 3033 North Central Ave., Phoenix, AZ 85012):

#### COLORADO MAIN STEM RIVER BASIN:

Hualapai Wash

#### MIDDLE GILA RIVER BASIN:

Agua Fria River (Camelback Road to Avondale WWTP)

Galena Gulch

Gila River (Felix Road to the Salt River)

Queen Creek (Headwaters to the Superior WWTP)

Queen Creek (Below Potts Canyon)

#### SAN PEDRO RIVER BASIN:

Copper Creek

#### SANTA CRUZ RIVER BASIN:

Agua Caliente Wash

Nogales Wash

Sonoita Creek (Above the town of Patagonia)

Tanque Verde Creek

Tinaja Wash

Davidson Canyon

#### UPPER GILA RIVER BASIN

Chase Creek

(c) To implement the requirements of R18-11-108.A.5 with respect to effects of mercury on wildlife, EPA (or the State with the approval of EPA) shall implement a monitoring program to assess attainment of the water quality standard.

(Sec. 303, Federal Water Pollution Control Act, as amended, 33 U.S.C. 1313, 86 Stat. 816 *et seq.*, Pub. L. 92-500; Clean Water Act, Pub. L. 92-500, as amended; 33 U.S.C. 1251 *et seq.*)

[41 FR 25000, June 22, 1976; 41 FR 48737, Nov. 5, 1976. Redesignated and amended at 42 FR 56740, Oct. 28, 1977. Further redesignated and amended at 48 FR 51408, Nov. 8, 1983; 61 FR 20693, May 7, 1996; 68 FR 62744, Nov. 6, 2003]

#### § 131.32 Pennsylvania.

(a) *Antidegradation policy.* This antidegradation policy shall be applicable to all waters of the United States within the Commonwealth of Pennsylvania, including wetlands.

(1) Existing in-stream uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.

(2) Where the quality of the waters exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the Commonwealth finds, after full satisfaction of the inter-governmental coordination and public participation provisions of the Commonwealth's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such degradation or lower water quality, the Commonwealth shall assure water quality adequate to protect existing uses fully. Further, the Commonwealth shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable best management practices for nonpoint sources.

(3) Where high quality waters are identified as constituting an outstanding National resource, such as waters of National and State parks and

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wildlife refuges and water of exceptional recreational and ecological significance, that water quality shall be maintained and protected.

(b) [Reserved]

[61 FR 64822, Dec. 9, 1996]

**§ 131.33 Idaho.**

(a) *Temperature criteria for bull trout.*

(1) Except for those streams or portions of streams located in Indian country, or as may be modified by the Regional Administrator, EPA Region X, pursuant to paragraph (a)(3) of this section, a temperature criterion of 10 °C, expressed as an average of daily maximum temperatures over a seven-day period, applies to the waterbodies identified in paragraph (a)(2) of this section during the months of June, July, August and September.

(2) The following waters are protected for bull trout spawning and rearing:

(i) BOISE-MORE BASIN: Devils Creek, East Fork Sheep Creek, Sheep Creek.

(ii) BROWNLEE RESERVOIR BASIN: Crooked River, Indian Creek.

(iii) CLEARWATER BASIN: Big Canyon Creek, Cougar Creek, Feather Creek, Laguna Creek, Lolo Creek, Orofino Creek, Talapus Creek, West Fork Potlatch River.

(iv) COEUR D'ALENE LAKE BASIN: Cougar Creek, Fernan Creek, Kid Creek, Mica Creek, South Fork Mica Creek, Squaw Creek, Turner Creek.

(v) HELLS CANYON BASIN: Dry Creek, East Fork Sheep Creek, Getta Creek, Granite Creek, Kurry Creek, Little Granite Creek, Sheep Creek.

(vi) LEMHI BASIN: Adams Creek, Alder Creek, Basin Creek, Bear Valley Creek, Big Eightmile Creek, Big Springs Creek, Big Timber Creek, Bray Creek, Bull Creek, Cabin Creek, Canyon Creek, Carol Creek, Chamberlain Creek, Clear Creek, Climb Creek, Cooper Creek, Dairy Creek, Deer Creek, Deer Park Creek, East Fork Hayden Creek, Eighteenmile Creek, Falls Creek, Ferry Creek, Ford Creek, Geertson Creek, Grove Creek, Hawley Creek, Hayden Creek, Kadletz Creek, Kenney Creek, Kirtley Creek, Lake Creek, Lee Creek, Lemhi River (above Big Eightmile Creek), Little Eightmile Creek, Little Mill Creek, Little Timber

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Creek, Middle Fork Little Timber Creek, Milk Creek, Mill Creek, Mogg Creek, North Fork Kirtley Creek, North Fork Little Timber Creek, Paradise Creek, Patterson Creek, Payne Creek, Poison Creek, Prospect Creek, Rocky Creek, Short Creek, Squaw Creek, Squirrel Creek, Tobias Creek, Trail Creek, West Fork Hayden Creek, Wright Creek.

(vii) LITTLE LOST BASIN: Badger Creek, Barney Creek, Bear Canyon, Bear Creek, Bell Mountain Creek, Big Creek, Bird Canyon, Black Creek, Buck Canyon, Bull Creek, Cedar Run Creek, Chicken Creek, Coal Creek, Corral Creek, Deep Creek, Dry Creek, Dry Creek Canal, Firbox Creek, Garfield Creek, Hawley Canyon, Hawley Creek, Horse Creek, Horse Lake Creek, Iron Creek, Jackson Creek, Little Lost River (above Badger Creek), Mahogany Creek, Main Fork Sawmill Creek, Massacre Creek, Meadow Creek, Mill Creek, Moffett Creek, Moonshine Creek, Quigley Creek, Red Rock Creek, Sands Creek, Sawmill Creek, Slide Creek, Smithie Fork, Squaw Creek, Summerhouse Canyon, Summit Creek, Timber Creek, Warm Creek, Wet Creek, Williams Creek.

(viii) LITTLE SALMON BASIN: Bascum Canyon, Boulder Creek, Brown Creek, Campbell Ditch, Castle Creek, Copper Creek, Granite Fork Lake Fork Rapid River, Hard Creek, Hazard Creek, Lake Fork Rapid River, Little Salmon River (above Hazard Creek), Paradise Creek, Pony Creek, Rapid River, Squirrel Creek, Trail Creek, West Fork Rapid River.

(ix) LOCHSA BASIN: Apgar Creek, Badger Creek, Bald Mountain Creek, Beaver Creek, Big Flat Creek, Big Stew Creek, Boulder Creek, Brushy Fork, Cabin Creek, Castle Creek, Chain Creek, Cliff Creek, Coolwater Creek, Cooperation Creek, Crab Creek, Crooked Fork Lochsa River, Dan Creek, Deadman Creek, Doe Creek, Dutch Creek, Eagle Creek, East Fork Papoose Creek, East Fork Split Creek, East Fork Squaw Creek, Eel Creek, Fern Creek, Fire Creek, Fish Creek, Fish Lake Creek, Fox Creek, Gass Creek, Gold Creek, Ham Creek, Handy Creek, Hard Creek, Haskell Creek, Heather Creek, Hellgate Creek, Holly Creek, Hopeful Creek, Hungery Creek, Indian

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Grave Creek, Jay Creek, Kerr Creek, Kube Creek, Lochsa River, Lone Knob Creek, Lottie Creek, Macaroni Creek, Maud Creek, Middle Fork Clearwater River, No-see-um Creek, North Fork Spruce Creek, North Fork Storm Creek, Nut Creek, Otter Slide Creek, Pack Creek, Papoose Creek, Parachute Creek, Pass Creek, Pedro Creek, Pell Creek, Pete King Creek, Placer Creek, Polar Creek, Postoffice Creek, Queen Creek, Robin Creek, Rock Creek, Rye Patch Creek, Sardine Creek, Shoot Creek, Shotgun Creek, Skookum Creek, Snowshoe Creek, South Fork Spruce Creek, South Fork Storm Creek, Split Creek, Sponge Creek, Spring Creek, Spruce Creek, Squaw Creek, Storm Creek, Tick Creek, Tomcat Creek, Tumble Creek, Twin Creek, Wag Creek, Walde Creek, Walton Creek, Warm Springs Creek, Weir Creek, Wendover Creek, West Fork Boulder Creek, West Fork Papoose Creek, West Fork Squaw Creek, West Fork Wendover Creek, White Sands Creek, Willow Creek.

(x) LOWER CLARK FORK BASIN: Cascade Creek, East Fork, East Fork Creek, East Forkast Fork Creek, Gold Creek, Johnson Creek, Lightning Creek, Mosquito Creek, Porcupine Creek, Rattle Creek, Spring Creek, Twin Creek, Wellington Creek.

(xi) LOWER KOOTENAI BASIN: Ball Creek, Boundary Creek, Brush Creek, Cabin Creek, Caribou Creek, Cascade Creek, Cooks Creek, Cow Creek, Curley Creek, Deep Creek, Grass Creek, Jim Creek, Lime Creek, Long Canyon Creek, Mack Creek, Mission Creek, Myrtle Creek, Peak Creek, Snow Creek, Trout Creek.

(xii) LOWER MIDDLE FORK SALMON BASIN: Acorn Creek, Alpine Creek, Anvil Creek, Arrastra Creek, Bar Creek, Beagle Creek, Beaver Creek, Belvidere Creek, Big Creek, Birdseye Creek, Boulder Creek, Brush Creek, Buck Creek, Bull Creek, Cabin Creek, Camas Creek, Canyon Creek, Castle Creek, Clark Creek, Coin Creek, Corner Creek, Coxey Creek, Crooked Creek, Doe Creek, Duck Creek, East Fork Holy Terror Creek, Fawn Creek, Flume Creek, Fly Creek, Forge Creek, Furnace Creek, Garden Creek, Government Creek, Grouse Creek, Hammer Creek, Hand Creek, Holy Terror Creek, J Fell

Creek, Jacobs Ladder Creek, Lewis Creek, Liberty Creek, Lick Creek, Lime Creek, Little Jacket Creek, Little Marble Creek, Little White Goat Creek, Little Woodtick Creek, Logan Creek, Lookout Creek, Loon Creek, Martindale Creek, Meadow Creek, Middle Fork Smith Creek, Monumental Creek, Moore Creek, Mulligan Creek, North Fork Smith Creek, Norton Creek, Placer Creek, Pole Creek, Rams Creek, Range Creek, Routson Creek, Rush Creek, Sawlog Creek, Sheep Creek, Sheldon Creek, Shellrock Creek, Ship Island Creek, Shovel Creek, Silver Creek, Smith Creek, Snowslide Creek, Soldier Creek, South Fork Camas Creek, South Fork Chamberlain Creek, South Fork Holy Terror Creek, South Fork Norton Creek, South Fork Rush Creek, South Fork Sheep Creek, Spider Creek, Spletts Creek, Telephone Creek, Trail Creek, Two Point Creek, West Fork Beaver Creek, West Fork Camas Creek, West Fork Monumental Creek, West Fork Rush Creek, White Goat Creek, Wilson Creek.

(xiii) LOWER NORTH FORK CLEARWATER BASIN: Adair Creek, Badger Creek, Bathtub Creek, Beaver Creek, Black Creek, Brush Creek, Buck Creek, Butte Creek, Canyon Creek, Caribou Creek, Crimper Creek, Dip Creek, Dog Creek, Elmer Creek, Falls Creek, Fern Creek, Goat Creek, Isabella Creek, John Creek, Jug Creek, Jungle Creek, Lightning Creek, Little Lost Lake Creek, Little North Fork Clearwater River, Lost Lake Creek, Lund Creek, Montana Creek, Mowitch Creek, Papoose Creek, Pitchfork Creek, Rocky Run, Rutledge Creek, Spotted Louis Creek, Triple Creek, Twin Creek, West Fork Montana Creek, Willow Creek.

(xiv) LOWER SALMON BASIN: Bear Gulch, Berg Creek, East Fork John Day Creek, Elkhorn Creek, Fiddle Creek, French Creek, Hurley Creek, John Day Creek, Kelly Creek, Klip Creek, Lake Creek, Little Slate Creek, Little Van Buren Creek, No Business Creek, North Creek, North Fork Slate Creek, North Fork White Bird Creek, Partridge Creek, Slate Creek, Slide Creek, South Fork John Day Creek, South Fork White Bird Creek, Warm Springs Creek.

(xv) LOWER SELWAY BASIN: Anderson Creek, Bailey Creek, Browns

Spring Creek, Buck Lake Creek, Butte Creek, Butter Creek, Cabin Creek, Cedar Creek, Chain Creek, Chute Creek, Dent Creek, Disgrace Creek, Double Creek, East Fork Meadow Creek, East Fork Moose Creek, Elbow Creek, Fivemile Creek, Fourmile Creek, Gate Creek, Gedney Creek, Goddard Creek, Horse Creek, Indian Hill Creek, Little Boulder Creek, Little Schwar Creek, Matteson Creek, Meadow Creek, Monument Creek, Moose Creek, Moss Creek, Newsome Creek, North Fork Moose Creek, Rhoda Creek, Saddle Creek, Schwar Creek, Shake Creek, Spook Creek, Spur Creek, Tamarack Creek, West Fork Anderson Creek, West Fork Gedney Creek, West Moose Creek, Wounded Doe Creek.

(xvi) MIDDLE FORK CLEARWATER BASIN: Baldy Creek, Big Cedar Creek, Browns Spring Creek, Clear Creek, Middle Fork Clear Creek, Pine Knob Creek, South Fork Clear Creek.

(xvii) MIDDLE FORK PAYETTE BASIN: Bull Creek, Middle Fork Payette River (above Fool Creek), Oxtail Creek, Silver Creek, Sixteen-to-one Creek.

(xviii) MIDDLE SALMON-CHAMBERLAIN BASIN: Arrow Creek, Bargamin Creek, Bat Creek, Bay Creek, Bear Creek, Bend Creek, Big Elkhorn Creek, Big Harrington Creek, Big Mallard Creek, Big Squaw Creek, Bleak Creek, Bronco Creek, Broomtail Creek, Brown Creek, Cayuse Creek, Center Creek, Chamberlain Creek, Cliff Creek, Colt Creek, Corn Creek, Crooked Creek, Deer Creek, Dennis Creek, Disappointment Creek, Dismal Creek, Dog Creek, East Fork Fall Creek, East Fork Horse Creek, East Fork Noble Creek, Fall Creek, Filly Creek, Fish Creek, Flossie Creek, Game Creek, Gap Creek, Ginger Creek, Green Creek, Grouse Creek, Guard Creek, Hamilton Creek, Horse Creek, Hot Springs Creek, Hotzel Creek, Hungry Creek, Iodine Creek, Jack Creek, Jersey Creek, Kitchen Creek, Lake Creek, Little Horse Creek, Little Lodgepole Creek, Little Mallard Creek, Lodgepole Creek, Mayflower Creek, McCalla Creek, Meadow Creek, Moose Creek, Moose Jaw Creek, Mule Creek, Mustang Creek, No Name Creek, Owl Creek, Poet Creek, Pole Creek, Porcupine Creek, Prospector Creek, Pup Creek,

Queen Creek, Rainey Creek, Ranch Creek, Rattlesnake Creek, Red Top Creek, Reynolds Creek, Rim Creek, Ring Creek, Rock Creek, Root Creek, Runaway Creek, Sabe Creek, Saddle Creek, Salt Creek, Schissler Creek, Sheep Creek, Short Creek, Shovel Creek, Skull Creek, Slaughter Creek, Slide Creek, South Fork Cottonwood Creek, South Fork Chamberlain Creek, South Fork Kitchen Creek, South Fork Salmon River, Spread Creek, Spring Creek, Starvation Creek, Steamboat Creek, Steep Creek, Stud Creek, Warren Creek, Webfoot Creek, West Fork Chamberlain Creek, West Fork Rattlesnake Creek, West Horse Creek, Whimstick Creek, Wind River, Woods Fork Horse Creek.

(xix) MIDDLE SALMON-PANTHER BASIN: Allen Creek, Arnett Creek, Beaver Creek, Big Deer Creek, Blackbird Creek, Boulder Creek, Cabin Creek, Camp Creek, Carmen Creek, Clear Creek, Colson Creek, Copper Creek, Corral Creek, Cougar Creek, Cow Creek, Deadhorse Creek, Deep Creek, East Boulder Creek, Elkhorn Creek, Fawn Creek, Fourth Of July Creek, Freeman Creek, Homet Creek, Hughes Creek, Hull Creek, Indian Creek, Iron Creek, Jackass Creek, Jefferson Creek, Jesse Creek, Lake Creek, Little Deep Creek, Little Hat Creek, Little Sheep Creek, McConn Creek, McKim Creek, Mink Creek, Moccasin Creek, Moose Creek, Moyer Creek, Musgrove Creek, Napias Creek, North Fork Hughes Creek, North Fork Iron Creek, North Fork Salmon River, North Fork Williams Creek, Opal Creek, Otter Creek, Owl Creek, Panther Creek, Park Creek, Phelan Creek, Pine Creek, Pony Creek, Porphyry Creek, Pruvan Creek, Rabbit Creek, Rancherio Creek, Rapps Creek, Salt Creek, Salzer Creek, Saw Pit Creek, Sharkey Creek, Sheep Creek, South Fork Cabin Creek, South Fork Iron Creek, South Fork Moyer Creek, South Fork Phelan Creek, South Fork Sheep Creek, South Fork Williams Creek, Spring Creek, Squaw Creek, Trail Creek, Twelvemile Creek, Twin Creek, Weasel Creek, West Fork Blackbird Creek, West Fork Iron Creek, Williams Creek, Woodtick Creek.

(xx) MOYIE BASIN: Brass Creek, Bussard Creek, Copper Creek, Deer

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Creek, Faro Creek, Keno Creek, Kreist Creek, Line Creek, McDougal Creek, Mill Creek, Moyie River (above Skin Creek), Placer Creek, Rutledge Creek, Skin Creek, Spruce Creek, West Branch Deer Creek.

(xxi) NORTH AND MIDDLE FORK BOISE BASIN: Abby Creek, Arrastra Creek, Bald Mountain Creek, Ballentyne Creek, Banner Creek, Bayhouse Creek, Bear Creek, Bear River, Big Gulch, Big Silver Creek, Billy Creek, Blackwarrior Creek, Bow Creek, Browns Creek, Buck Creek, Cabin Creek, Cahhah Creek, Camp Gulch, China Fork, Coma Creek, Corbus Creek, Cow Creek, Crooked River, Cub Creek, Decker Creek, Dutch Creek, Dutch Frank Creek, East Fork Roaring River, East Fork Swanholm Creek, East Fork Yuba River, Flint Creek, Flytrip Creek, Gotch Creek, Graham Creek, Granite Creek, Grays Creek, Greylock Creek, Grouse Creek, Hot Creek, Hungarian Creek, Joe Daley Creek, Johnson Creek, Kid Creek, King Creek, La Mayne Creek, Leggit Creek, Lightening Creek, Little Queens River, Little Silver Creek, Louise Creek, Lynx Creek, Mattingly Creek, McKay Creek, McLeod Creek, McPhearson Creek, Middle Fork Boise River (above Roaring River), Middle Fork Corbus Creek, Middle Fork Roaring River, Mill Creek, Misfire Creek, Montezuma Creek, North Fork Boise River (above Bear River), Phifer Creek, Pikes Fork, Quartz Gulch, Queens River, Rabbit Creek, Right Creek, Roaring River, Robin Creek, Rock Creek, Rocky Creek, Sawmill Creek, Scenic Creek, Scotch Creek, Scott Creek, Shorip Creek, Smith Creek, Snow Creek, Snowslide Creek, South Fork Corbus Creek, South Fork Cub Creek, Spout Creek, Steamboat Creek, Steel Creek, Steppe Creek, Swanholm Creek, Timpa Creek, Trail Creek, Trapper Creek, Tripod Creek, West Fork Creek, West Warrior Creek, Willow Creek, Yuba River.

(xxii) NORTH FORK PAYETTE BASIN: Gold Fork River, North Fork Gold Fork River, Pearsol Creek.

(xxiii) AHSIMEROI BASIN: Baby Creek, Bear Creek, Big Creek, Big Gulch, Burnt Creek, Christian Gulch, Dead Cat Canyon, Ditch Creek, Donkey Creek, Doublespring Creek, Dry Canyon, Dry Gulch, East Fork Burnt

Creek, East Fork Morgan Creek, East Fork Pahsimeroi River, East Fork Patterson Creek, Elkhorn Creek, Falls Creek, Goldberg Creek, Hillside Creek, Inyo Creek, Long Creek, Mahogany Creek, Mill Creek, Morgan Creek, Morse Creek, Mulkey Gulch, North Fork Big Creek, North Fork Morgan Creek, Pahsimeroi River (above Big Creek), Patterson Creek, Rock Spring Canyon, Short Creek, Snowslide Creek, South Fork Big Creek, Spring Gulch, Squaw Creek, Stinking Creek, Tater Creek, West Fork Burnt Creek, West Fork North Fork Big Creek.

(xxiv) PAYETTE BASIN: Squaw Creek, Third Fork Squaw Creek.

(xxv) PEND OREILLE LAKE BASIN: Branch North Gold Creek, Cheer Creek, Chloride Gulch, Dry Gulch, Dyree Creek, Flume Creek, Gold Creek, Granite Creek, Grouse Creek, Kick Bush Gulch, North Fork Grouse Creek, North Gold Creek, Plank Creek, Rapid Lightning Creek, South Fork Grouse Creek, Strong Creek, Thor Creek, Trestle Creek, West Branch Pack River, West Gold Creek, Wylie Creek, Zuni Creek.

(xxvi) PRIEST BASIN: Abandon Creek, Athol Creek, Bath Creek, Bear Creek, Bench Creek, Blacktail Creek, Bog Creek, Boulder Creek, Bugle Creek, Canyon Creek, Caribou Creek, Cedar Creek, Chicopee Creek, Deadman Creek, East Fork Trapper Creek, East River, Fedar Creek, Floss Creek, Gold Creek, Granite Creek, Horton Creek, Hughes Fork, Indian Creek, Jackson Creek, Jost Creek, Kalispell Creek, Kent Creek, Keokee Creek, Lime Creek, Lion Creek, Lost Creek, Lucky Creek, Malcom Creek, Middle Fork East River, Muskegon Creek, North Fork Granite Creek, North Fork Indian Creek, Packer Creek, Rock Creek, Ruby Creek, South Fork Granite Creek, South Fork Indian Creek, South Fork Lion Creek, Squaw Creek, Tango Creek, Tarlac Creek, The Thorofare, Trapper Creek, Two Mouth Creek, Uleda Creek, Priest R. (above Priest Lake), Zero Creek.

(xxvii) SOUTH FORK BOISE BASIN: Badger Creek, Bear Creek, Bear Gulch, Big Smoky Creek, Big Water Gulch, Boardman Creek, Burnt Log Creek, Cayuse Creek, Corral Creek, Cow Creek, Edna Creek, Elk Creek, Emma

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Creek, Feather River, Fern Gulch, Grape Creek, Gunsight Creek, Haypress Creek, Heather Creek, Helen Creek, Johnson Creek, Lincoln Creek, Little Cayuse Creek, Little Rattlesnake Creek, Little Skeleton Creek, Little Smoky Creek, Loggy Creek, Mule Creek, North Fork Ross Fork, Pinto Creek, Rattlesnake Creek, Ross Fork, Russel Gulch, Salt Creek, Shake Creek, Skeleton Creek, Slater Creek, Smokey Dome Canyon, South Fork Ross Fork, Three Forks Creek, Tipton Creek, Vienna Creek, Weeks Gulch, West Fork Big Smoky Creek, West Fork Salt Creek, West Fork Skeleton Creek, Willow Creek.

(xxviii) SOUTH FORK CLEAR-WATER BASIN: American River, Baker Gulch, Baldy Creek, Bear Creek, Beaver Creek, Big Canyon Creek, Big Elk Creek, Blanco Creek, Boundary Creek, Box Sing Creek, Boyer Creek, Cartwright Creek, Cole Creek, Crooked River, Dawson Creek, Deer Creek, Ditch Creek, East Fork American River, East Fork Crooked River, Elk Creek, Fivemile Creek, Flint Creek, Fourmile Creek, Fox Creek, French Gulch, Galena Creek, Gospel Creek, Hagen Creek, Hays Creek, Johns Creek, Jungle Creek, Kirks Fork American River, Little Elk Creek, Little Moose Creek, Little Siegel Creek, Loon Creek, Mackey Creek, Meadow Creek, Melton Creek, Middle Fork Red River, Mill Creek, Monroe Creek, Moores Creek, Moores Lake Creek, Moose Butte Creek, Morgan Creek, Mule Creek, Newsome Creek, Nuggett Creek, Otterson Creek, Pat Brennan Creek, Pilot Creek, Quartz Creek, Queen Creek, Rabbit Creek, Rainbow Gulch, Red River, Relief Creek, Ryan Creek, Sally Ann Creek, Sawmill Creek, Schooner Creek, Schwartz Creek, Sharmon Creek, Siegel Creek, Silver Creek, Sixmile Creek, Sixtysix Creek, Snoose Creek, Sourdough Creek, South Fork Red River, Square Mountain Creek, Swale Creek, Swift Creek, Taylor Creek, Tenmile Creek, Trail Creek, Trapper Creek, Trout Creek, Twentymile Creek, Twin Lakes Creek, Umatilla Creek, West Fork Big Elk Creek, West Fork Crooked River, West Fork Gospel Creek, West Fork Newsome Creek, West Fork Red River, West Fork Twentymile Creek, Whiskey

Creek, Whitaker Creek, Williams Creek.

(xxix) SOUTH FORK PAYETTE BASIN: Archie Creek, Ash Creek, Baron Creek, Basin Creek, Bear Creek, Beaver Creek, Big Spruce Creek, Bitter Creek, Blacks Creek, Blue Jay Creek, Burn Creek, Bush Creek, Camp Creek, Canyon Creek, Casner Creek, Cat Creek, Chapman Creek, Charters Creek, Clear Creek, Coski Creek, Cup Creek, Dead Man Creek, Deadwood River, Deer Creek, East Fork Deadwood Creek, East Fork Warm Springs Creek, Eby Creek, Elkhorn Creek, Emma Creek, Fall Creek, Fence Creek, Fern Creek, Fivemile Creek, Fox Creek, Garney Creek, Gates Creek, Goat Creek, Grandjem Creek, Grouse Creek, Habit Creek, Helende Creek, Horse Creek, Huckleberry Creek, Jackson Creek, Kettle Creek, Kirkham Creek, Lake Creek, Lick Creek, Little Tenmile Creek, Logging Gulch, Long Creek, MacDonald Creek, Meadow Creek, Middle Fork Warm Springs Creek, Miller Creek, Monument Creek, Moulding Creek, Ninemile Creek, No Man Creek, No Name Creek, North Fork Baron Creek, North Fork Canyon Creek, North Fork Deer Creek, North Fork Whitehawk Creek, O'Keefe Creek, Packsaddle Creek, Park Creek, Pass Creek, Pinchot Creek, Pine Creek, Pitchfork Creek, Pole Creek, Richards Creek, Road Fork Rock Creek, Rock Creek, Rough Creek, Scott Creek, Silver Creek, Sixmile Creek, Smith Creek, Smokey Creek, South Fork Beaver Creek, South Fork Canyon Creek, South Fork Clear Creek, South Fork Payette River (above Rock Creek), South Fork Scott Creek, South Fork Warm Spring Creek, Spring Creek, Steep Creek, Stratton Creek, Topnotch Creek, Trail Creek, Wapiti Creek, Warm Spring Creek, Warm Springs Creek, Whangdoodle Creek, Whitehawk Creek, Wild Buck Creek, Wills Gulch, Wilson Creek, Wolf Creek.

(xxx) SOUTH FORK SALMON BASIN: Alez Creek, Back Creek, Bear Creek, Bishop Creek, Blackmare Creek, Blue Lake Creek, Buck Creek, Buckhorn Bar Creek, Buckhorn Creek, Burgdorf Creek, Burntlog Creek, Cabin Creek, Calf Creek, Camp Creek, Cane Creek, Caton Creek, Cinnabar Creek, Cliff Creek, Cly Creek, Cougar Creek,



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Cow Creek, Cox Creek, Curtis Creek, Deep Creek, Dollar Creek, Dutch Creek, East Fork South Fork Salmon River, East Fork Zena Creek, Elk Creek, Enos Creek, Falls Creek, Fernan Creek, Fiddle Creek, Fitsum Creek, Flat Creek, Fourmile Creek, Goat Creek, Grimmer Creek, Grouse Creek, Halfway Creek, Hanson Creek, Hays Creek, Holdover Creek, Hum Creek, Indian Creek, Jeanette Creek, Johnson Creek, Josephine Creek, Jungle Creek, Knee Creek, Krassel Creek, Lake Creek, Landmark Creek, Lick Creek, Little Buckhorn Creek, Little Indian Creek, Lodgepole Creek, Loon Creek, Maverick Creek, Meadow Creek, Middle Fork Elk Creek, Missouri Creek, Moose Creek, Mormon Creek, Nasty Creek, Nethker Creek, Nick Creek, No Mans Creek, North Fork Bear Creek, North Fork Buckhorn Creek, North Fork Camp Creek, North Fork Dollar Creek, North Fork Fitsum Creek, North Fork Lake Creek, North Fork Lick Creek, North Fork Riordan Creek, North Fork Six-bit Creek, Oompaul Creek, Paradise Creek, Park Creek, Peanut Creek, Pepper Creek, Phoebe Creek, Piah Creek, Pid Creek, Pilot Creek, Pony Creek, Porcupine Creek, Porphyry Creek, Prince Creek, Profile Creek, Quartz Creek, Reeves Creek, Rice Creek, Riordan Creek, Roaring Creek, Ruby Creek, Rustican Creek, Ryan Creek, Salt Creek, Sand Creek, Secesh River, Sheep Creek, Silver Creek, Sister Creek, Six-Bit Creek, South Fork Bear Creek, South Fork Blackmare Creek, South Fork Buckhorn Creek, South Fork Cougar Creek, South Fork Elk Creek, South Fork Fitsum Creek, South Fork Fourmile Creek, South Fork Salmon River, South Fork Threemile Creek, Split Creek, Steep Creek, Sugar Creek, Summit Creek, Tamarack Creek, Teepee Creek, Threemile Creek, Trail Creek, Trapper Creek, Trout Creek, Tsum Creek, Two-bit Creek, Tyndall Creek, Vein Creek, Victor Creek, Wardenhoff Creek, Warm Lake Creek, Warm Spring Creek, West Fork Buckhorn Creek, West Fork Elk Creek, West Fork Enos Creek, West Fork Zena Creek, Whangdoodle Creek, Willow Basket Creek, Willow Creek, Zena Creek.

(xxxix) ST. JOE R. BASIN: Bad Bear Creek, Bean Creek, Bear Creek, Beaver

Creek, Bedrock Creek, Berge Creek, Bird Creek, Blue Grouse Creek, Boulder Creek, Broadaxe Creek, Bruin Creek, California Creek, Cherry Creek, Clear Creek, Color Creek, Copper Creek, Dolly Creek, Dump Creek, Eagle Creek, East Fork Bluff Creek, East Fork Gold Creek, Emerald Creek, Fishhook Creek, Float Creek, Fly Creek, Fuzzy Creek, Gold Creek, Heller Creek, Indian Creek, Kelley Creek, Malin Creek, Marble Creek, Medicine Creek, Mica Creek, Mill Creek, Mosquito Creek, North Fork Bean Creek, North Fork Saint Joe River, North Fork Simmons Creek, Nugget Creek, Packsaddle Creek, Periwinkle Creek, Prospector Creek, Quartz Creek, Red Cross Creek, Red Ives Creek, Ruby Creek, Saint Joe River (above Siwash Creek), Setzer Creek, Sherlock Creek, Simmons Creek, Siwash Creek, Skookum Creek, Thomas Creek, Thorn Creek, Three Lakes Creek, Timber Creek, Tinear Creek, Trout Creek, Tumbledown Creek, Wahoo Creek, Washout Creek, Wilson Creek, Yankee Bar Creek.

(xxxii) UPPER COEUR D'ALENE BASIN: Brown Creek, Falls Creek, Graham Creek.

(xxxiii) UPPER KOOTENAI BASIN: Halverson Cr, North Callahan Creek, South Callahan Creek, West Fork Keeler Creek

(xxxiv) UPPER MIDDLE FORK SALMON BASIN: Asher Creek, Automatic Creek, Ayers Creek, Baldwin Creek, Banner Creek, Bear Creek, Bear Valley Creek, Bearskin Creek, Beaver Creek, Bernard Creek, Big Chief Creek, Big Cottonwood Creek, Birch Creek, Blue Lake Creek, Blue Moon Creek, Boundary Creek, Bridge Creek, Browning Creek, Buck Creek, Burn Creek, Cabin Creek, Cache Creek, Camp Creek, Canyon Creek, Cap Creek, Cape Horn Creek, Casner Creek, Castle Fork, Casto Creek, Cat Creek, Chokebore Creek, Chuck Creek, Cliff Creek, Cold Creek, Collie Creek, Colt Creek, Cook Creek, Corley Creek, Cornish Creek, Cottonwood Creek, Cougar Creek, Crystal Creek, Cub Creek, Cultus Creek, Dagger Creek, Deer Creek, Deer Horn Creek, Doe Creek, Dry Creek, Duffield Creek, Dynamite Creek, Eagle Creek, East Fork Elk Creek, East Fork Indian Creek, East Fork Mayfield Creek, Elk Creek, Elkhorn Creek, Endoah Creek,

Fall Creek, Fawn Creek, Feltham Creek, Fir Creek, Flat Creek, Float Creek, Foresight Creek, Forty-five Creek, Forty-four Creek, Fox Creek, Full Moon Creek, Fuse Creek, Grays Creek, Grenade Creek, Grouse Creek, Gun Creek, Half Moon Creek, Hogback Creek, Honeymoon Creek, Hot Creek, Ibox Creek, Indian Creek, Jose Creek, Kelly Creek, Kerr Creek, Knapp Creek, Kwiskwis Creek, Lime Creek, Lincoln Creek, Little Beaver Creek, Little Cottonwood Creek, Little East Fork Elk Creek, Little Indian Creek, Little Loon Creek, Little Pistol Creek, Lola Creek, Loon Creek, Lucinda Creek, Lucky Creek, Luger Creek, Mace Creek, Mack Creek, Marble Creek, Marlin Creek, Marsh Creek, Mayfield Creek, McHoney Creek, McKee Creek, Merino Creek, Middle Fork Elkhorn Creek, Middle Fork Indian Creek, Middle Fork Salmon River (above Soldier Creek), Mine Creek, Mink Creek, Moonshine Creek, Mowitch Creek, Muskeg Creek, Mystery Creek, Nelson Creek, New Creek, No Name Creek, North Fork Elk Creek, North Fork Elkhorn Creek, North Fork Sheep Creek, North Fork Sulphur Creek, Papoose Creek, Parker Creek, Patrol Creek, Phillips Creek, Pierson Creek, Pinyon Creek, Pioneer Creek, Pistol Creek, Placer Creek, Poker Creek, Pole Creek, Popgun Creek, Porter Creek, Prospect Creek, Rabbit Creek, Rams Horn Creek, Range Creek, Rapid River, Rat Creek, Remington Creek, Rock Creek, Rush Creek, Sack Creek, Safety Creek, Salt Creek, Savage Creek, Scratch Creek, Seafoam Creek, Shady Creek, Shake Creek, Sheep Creek, Sheep Trail Creek, Shell Creek, Shrapnel Creek, Siah Creek, Silver Creek, Slide Creek, Snowshoe Creek, Soldier Creek, South Fork Cottonwood Creek, South Fork Sheep Creek, Spike Creek, Springfield Creek, Squaw Creek, Sulphur Creek, Sunnyside Creek, Swamp Creek, Tennessee Creek, Thatcher Creek, Thicket Creek, Thirty-two Creek, Tomahawk Creek, Trail Creek, Trapper Creek, Trigger Creek, Twenty-two Creek, Vader Creek, Vanity Creek, Velvet Creek, Walker Creek, Wampum Creek, Warm Spring Creek, West Fork Elk Creek, West Fork Little Loon Creek, West Fork Mayfield Creek, White Creek,

Wickiup Creek, Winchester Creek, Winnemucca Creek, Wyoming Creek.

(xxxv) UPPER NORTH FORK CLEARWATER BASIN: Adams Creek, Avalanche Creek, Bacon Creek, Ball Creek, Barn Creek, Barnard Creek, Barren Creek, Bear Creek, Beaver Dam Creek, Bedrock Creek, Bill Creek, Bostonian Creek, Boundary Creek, Burn Creek, Butter Creek, Camp George Creek, Canyon Creek, Cayuse Creek, Chamberlain Creek, Clayton Creek, Cliff Creek, Coffee Creek, Cold Springs Creek, Collins Creek, Colt Creek, Cool Creek, Copper Creek, Corral Creek, Cougar Creek, Craig Creek, Crater Creek, Cub Creek, Davis Creek, Deadwood Creek, Deer Creek, Dill Creek, Drift Creek, Elizabeth Creek, Fall Creek, Fire Creek, Fix Creek, Flame Creek, Fly Creek, Fourth of July Creek, Fro Creek, Frog Creek, Frost Creek, Gilfillian Creek, Goose Creek, Grass Creek, Gravey Creek, Grizzly Creek, Hanson Creek, Heather Creek, Henry Creek, Hidden Creek, Howard Creek, Independence Creek, Jam Creek, Japanese Creek, Johnagan Creek, Johnny Creek, Junction Creek, Kelly Creek, Kid Lake Creek, Kodiak Creek, Lake Creek, Laundry Creek, Lightning Creek, Little Moose Creek, Little Weitas Creek, Liz Creek, Long Creek, Marten Creek, Meadow Creek, Middle Creek, Middle North Fork Kelly Creek, Mill Creek, Mire Creek, Monroe Creek, Moose Creek, Negro Creek, Nettle Creek, Niagra Gulch, North Fork Clearwater River (Fourth of July Creek), Nub Creek, Osier Creek, Perry Creek, Pete Ott Creek, Placer Creek, Polar Creek, Post Creek, Potato Creek, Quartz Creek, Rapid Creek, Rawhide Creek, Roaring Creek, Rock Creek, Rocky Ridge Creek, Ruby Creek, Saddle Creek, Salix Creek, Scurry Creek, Seat Creek, Short Creek, Shot Creek, Siam Creek, Silver Creek, Skull Creek, Slide Creek, Smith Creek, Snow Creek, South Fork Kelly Creek, Spud Creek, Spy Creek, Stolen Creek, Stove Creek, Sugar Creek, Swamp Creek, Tinear Creek, Tinkle Creek, Toboggan Creek, Trail Creek, Vanderbilt Gulch, Wall Creek, Weitas Creek, Williams Creek, Windy Creek, Wolf Creek, Young Creek.

(xxxvi) UPPER SALMON BASIN: Alder Creek, Alpine Creek, Alta Creek,

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Alturas Lake Creek, Anderson Creek, Aspen Creek, Basin Creek, Bayhorse Creek, Bear Creek, Beaver Creek, Big Boulder Creek, Block Creek, Blowfly Creek, Blue Creek, Boundary Creek, Bowery Creek, Broken Ridge Creek, Bruno Creek, Buckskin Creek, Cabin Creek, Camp Creek, Cash Creek, Challis Creek, Chamberlain Creek, Champion Creek, Cherry Creek, Cinnabar Creek, Cleveland Creek, Coal Creek, Crooked Creek, Darling Creek, Deadwood Creek, Decker Creek, Deer Creek, Dry Creek, Duffy Creek, East Basin Creek, East Fork Salmon River, East Fork Valley Creek, East Pass Creek, Eddy Creek, Eightmile Creek, Elevenmile Creek, Elk Creek, Ellis Creek, Estes Creek, First Creek, Fisher Creek, Fishhook Creek, Fivemile Creek, Fourth of July Creek, Frenchman Creek, Garden Creek, Germania Creek, Goat Creek, Gold Creek, Gooseberry Creek, Greylock Creek, Hay Creek, Hell Roaring Creek, Herd Creek, Huckleberry Creek, Iron Creek, Job Creek, Jordan Creek, Juliette Creek, Kelly Creek, Kinnikinic Creek, Lick Creek, Lightning Creek, Little Basin Creek, Little Beaver Creek, Little Boulder Creek, Little West Fork Morgan Creek, Lodgepole Creek, Lone Pine Creek, Lost Creek, MacRae Creek, Martin Creek, McKay Creek, Meadow Creek, Mill Creek, Morgan Creek, Muley Creek, Ninemile Creek, Noho Creek, Pack Creek, Park Creek, Pat Hughes Creek, Pig Creek, Pole Creek, Pork Creek, Prospect Creek, Rainbow Creek, Redfish Lake Creek, Road Creek, Rough Creek, Sage Creek, Sagebrush Creek, Salmon River (Redfish Lake Creek), Sawmill Creek, Second Creek, Sevenmile Creek, Sheep Creek, Short Creek, Sixmile Creek, Slate Creek, Smiley Creek, South Fork East Fork Salmon River, Squaw Creek, Stanley Creek, Stephens Creek, Summit Creek, Sunday Creek, Swimm Creek, Taylor Creek, Tenmile Creek, Tannel Creek, Thompson Creek, Three Cabins Creek, Trail Creek, Trap Creek, Trealor Creek, Twelvemile Creek, Twin Creek, Valley Creek, Van Horn Creek, Vat Creek, Warm Spring Creek, Warm Springs Creek, Washington Creek, West Beaver Creek, West Fork Creek, West Fork East Fork Salmon River, West Fork Herd Creek, West Fork Morgan

Creek, West Fork Yankee Fork, West Pass Creek, Wickiup Creek, Williams Creek, Willow Creek, Yankee Fork.

(xxxvii) UPPER SELWAY BASIN: Basin Creek, Bear Creek, Burn Creek, Camp Creek, Canyon Creek, Cliff Creek, Comb Creek, Cooper Creek, Cub Creek, Deep Creek, Eagle Creek, Elk Creek, Fall Creek, Fox Creek, Goat Creek, Gold Pan Creek, Granite Creek, Grass Gulch, Haystack Creek, Hells Half Acre Creek, Indian Creek, Kim Creek, Lake Creek, Langdon Gulch, Little Clearwater River, Lodge Creek, Lunch Creek, Mist Creek, Paloma Creek, Paradise Creek, Peach Creek, Pettibone Creek, Running Creek, Saddle Gulch, Schofield Creek, Selway River (above Pettibone Creek), South Fork Running Creek, South Fork Saddle Gulch, South Fork Surprise Creek, Spruce Creek, Squaw Creek, Stripe Creek, Surprise Creek, Set Creek, Tepee Creek, Thirteen Creek, Three Lakes Creek, Triple Creek, Wahoo Creek, White Cap Creek, Wilkerson Creek, Witter Creek.

(xxxviii) WEISER BASIN: Anderson Creek, Bull Corral Creek, Dewey Creek, East Fork Weiser River, Little Weiser River, above Anderson Creek, Sheep Creek, Wolf Creek.

(3) Procedures for site specific modification of listed waterbodies or temperature criteria for bull trout.

(i) The Regional Administrator may, in his discretion, determine that the temperature criteria in paragraph (a)(1) of this section shall not apply to a specific waterbody or portion thereof listed in paragraph (a)(2) of this section. Any such determination shall be made consistent with §131.11 and shall be based on a finding that bull trout spawning and rearing is not an existing use in such waterbody or portion thereof.

(ii) The Regional Administrator may, in his discretion, raise the temperature criteria in paragraph (a)(1) of this section as they pertain to a specific waterbody or portion thereof listed in paragraph (a)(2) of this section. Any such determination shall be made consistent with §131.11, and shall be based on a finding that bull trout would be fully supported at the higher temperature criteria.

(iii) For any determination made under paragraphs (a)(3)(i) or (a)(3)(ii) of this section, the Regional Administrator shall, prior to making such a determination, provide for public notice of and comment on a proposed determination. For any such proposed determination, the Regional Administrator shall prepare and make available to the public a technical support document addressing each waterbody or portion thereof that would be deleted or modified and the justification for each proposed determination. This document shall be made available to the public not later than the date of public notice.

(iv) The Regional Administrator shall maintain and make available to the public an updated list of determinations made pursuant to paragraphs (a)(3)(i) and (a)(3)(ii) of this section as well as the technical support documents for each determination.

(v) Nothing in this paragraph (a)(3) shall limit the Administrator's authority to modify the temperature criteria in paragraph (a)(1) of this section or the list of waterbodies in paragraph (a)(2) of this section through rule-making.

(b) *Use designations for surface waters.* In addition to the State adopted use designations, the following water body segments in Idaho are designated for cold water biota: Canyon Creek (PB 121)—below mining impact; South Fork Coeur d'Alene River (PB 140S)—Daisy Gulch to mouth; Blackfoot River (USB 360)—Equalizing Dam to mouth, except for any portion in Indian country; Soda Creek (BB 310)—source to mouth.

(c) *Excluded waters.* Lakes, ponds, pools, streams, and springs outside public lands but located wholly and entirely upon a person's land are not protected specifically or generally for any beneficial use, unless such waters are designated in Idaho 16.01.02.110, through 160., or, although not so designated, are waters of the United States as defined at 40 CFR 122.2.

(d) *Water quality standard variances.* (1) The Regional Administrator, EPA Region X, is authorized to grant variances from the water quality standards in paragraph (b) of this section where the requirements of this paragraph (d) are met. A water quality

standard variance applies only to the permittee requesting the variance and only to the pollutant or pollutants specified in the variance; the underlying water quality standard otherwise remains in effect.

(2) A water quality standard variance shall not be granted if:

(i) Standards will be attained by implementing effluent limitations required under sections 301(b) and 306 of the CWA and by the permittee implementing reasonable best management practices for nonpoint source control; or

(ii) The variance would likely jeopardize the continued existence of any threatened or endangered species listed under section 4 of the Endangered Species Act or result in the destruction or adverse modification of such species' critical habitat.

(3) Subject to paragraph (d)(2) of this section, a water quality standards variance may be granted if the applicant demonstrates to EPA that attaining the water quality standard is not feasible because:

(i) Naturally occurring pollutant concentrations prevent the attainment of the use; or

(ii) Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating State water conservation requirements to enable uses to be met; or

(iii) Human caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place; or

(iv) Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the waterbody to its original condition or to operate such modification in a way which would result in the attainment of the use; or

(v) Physical conditions related to the natural features of the waterbody, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like unrelated to water quality, preclude

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attainment of aquatic life protection uses; or

(vi) Controls more stringent than those required by sections 301(b) and 306 of the CWA would result in substantial and widespread economic and social impact.

(4) *Procedures.* An applicant for a water quality standards variance shall submit a request to the Regional Administrator not later than the date the applicant applies for an NPDES permit which would implement the variance, except that an application may be filed later if the need for the variance arises or the data supporting the variance becomes available after the NPDES permit application is filed. The application shall include all relevant information showing that the requirements for a variance have been satisfied. The burden is on the applicant to demonstrate to EPA's satisfaction that the designated use is unattainable for one of the reasons specified in paragraph (d)(3) of this section. If the Regional

Administrator preliminarily determines that grounds exist for granting a variance, he shall publish notice of the proposed variance. Notice of a final decision to grant a variance shall also be published. EPA will incorporate into the permittee's NPDES permit all conditions needed to implement the variance.

(5) A variance may not exceed 5 years or the term of the NPDES permit, whichever is less. A variance may be renewed if the applicant reapplies and demonstrates that the use in question is still not attainable. Renewal of the variance may be denied if the applicant did not comply with the conditions of the original variance.

[62 FR 41183, July 31, 1997, as amended at 67 FR 11248, Mar. 13, 2002]

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(a) In addition to the State-adopted use designations, the following water body segment in Kansas is designated for an expected aquatic life use:

Stream segment name	HUC8	Segment #	Designated use
<b>Basin: Missouri</b>			
<b>Subbasin: Independence-Sugar</b>			
Whiskey Creek .....	10240011	235	Expected Aquatic Life.

(b) In addition to the State-adopted use designations, the following water body segments and lakes in Kansas are

designated for recreation uses as specified in the following table:

Stream segment name	HUC8	Segment #	Designated use
<b>Basin: Cimarron</b>			
<b>Subbasin: Upper Cimarron-Bluff</b>			
Big Sandy Creek .....	11040008	6	Primary Contact Recreation
Gyp Creek .....	11040008	25	Secondary Contact Recreation
Indian Creek .....	11040008	14	Secondary Contact Recreation
Kiger Creek .....	11040008	8	Secondary Contact Recreation
Stink Creek .....	11040008	17	Secondary Contact Recreation
Two Mile Creek .....	11040008	15	Secondary Contact Recreation
<b>Subbasin: Lower Cimarron-Eagle Chief</b>			
Anderson Creek .....	11050001	39	Primary Contact Recreation
<b>Basin: Kansas/Lower Republican</b>			
<b>Subbasin: Middle Republican</b>			
Antelope Creek .....	10250016	66	Secondary Contact Recreation
Ash Creek .....	10250016	65	Secondary Contact Recreation
Bean Creek .....	10250016	76	Secondary Contact Recreation
Cora Creek .....	10250016	51	Secondary Contact Recreation
Crow Creek (Crystal Creek) .....	10250016	52	Secondary Contact Recreation
Korb Creek .....	10250016	72	Primary Contact Recreation
Long Branch .....	10250016	68	Secondary Contact Recreation
Lost Creek .....	10250016	53	Primary Contact Recreation

Stream segment name	HUC8	Segment #	Designated use
Louisa Creek .....	10250016	61	Secondary Contact Recreation
Norway Creek .....	10250016	73	Secondary Contact Recreation
Oak Creek .....	10250016	75	Secondary Contact Recreation
Rebecca Creek .....	10250016	39	Secondary Contact Recreation
Spring Creek .....	10250016	71	Secondary Contact Recreation
Spring Creek .....	10250016	78	Secondary Contact Recreation
Taylor Creek .....	10250016	74	Secondary Contact Recreation
Walnut Creek .....	10250016	40	Primary Contact Recreation
Walnut Creek .....	10250016	46	Secondary Contact Recreation
White Rock Creek, North Branch .....	10250016	60	Secondary Contact Recreation
Wolf Creek .....	10250016	67	Secondary Contact Recreation

**Subbasin: Lower Republican**

Cool Creek .....	10250017	50	Secondary Contact Recreation
Elm Creek, West Branch .....	10250017	59	Secondary Contact Recreation
Gar Creek .....	10250017	12	Primary Contact Recreation
Mud Creek .....	10250017	63	Secondary Contact Recreation
Turkey Creek .....	10250017	51	Secondary Contact Recreation

**Subbasin: Upper Kansas**

Dry Creek .....	10270101	19	Primary Contact Recreation
Humbolt Creek .....	10270101	10	Primary Contact Recreation
Kitten Creek .....	10270101	14	Primary Contact Recreation
Little Arkansas Creek .....	10270101	13	Primary Contact Recreation
Little Kitten Creek .....	10270101	16	Primary Contact Recreation
Mulberry Creek .....	10270101	20	Secondary Contact Recreation

**Subbasin: Middle Kansas**

Adams Creek .....	10270102	53	Secondary Contact Recreation
Bartlett Creek .....	10270102	55	Secondary Contact Recreation
Big Elm Creek .....	10270102	90	Secondary Contact Recreation
Blackjack Creek .....	10270102	64	Secondary Contact Recreation
Blacksmith Creek .....	10270102	102	Secondary Contact Recreation
Bourbonais Creek .....	10270102	63	Primary Contact Recreation
Brush Creek .....	10270102	57	Primary Contact Recreation
Coal Creek .....	10270102	46	Secondary Contact Recreation
Coryell Creek .....	10270102	94	Secondary Contact Recreation
Cow Creek .....	10270102	45	Secondary Contact Recreation
Crow Creek .....	10270102	86	Primary Contact Recreation
Darnells Creek .....	10270102	51	Secondary Contact Recreation
Dog Creek .....	10270102	78	Secondary Contact Recreation
Doyle Creek .....	10270102	69	Primary Contact Recreation
Dry Creek .....	10270102	79	Primary Contact Recreation
Dutch Creek .....	10270102	92	Secondary Contact Recreation
Elm Creek .....	10270102	98	Primary Contact Recreation
Elm Creek .....	10270102	103	Secondary Contact Recreation
Elm Slough .....	10270102	58	Secondary Contact Recreation
Emmons Creek .....	10270102	66	Secondary Contact Recreation
French Creek .....	10270102	19	Primary Contact Recreation
Gilson Creek .....	10270102	47	Secondary Contact Recreation
Hendricks Creek .....	10270102	73	Primary Contact Recreation
Hise Creek .....	10270102	43	Secondary Contact Recreation
Indian Creek .....	10270102	20	Secondary Contact Recreation
James Creek .....	10270102	87	Secondary Contact Recreation
Jim Creek .....	10270102	52	Secondary Contact Recreation
Johnson Creek .....	10270102	84	Secondary Contact Recreation
Kuenzli Creek .....	10270102	82	Secondary Contact Recreation
Little Cross Creek .....	10270102	61	Secondary Contact Recreation
Little Muddy Creek .....	10270102	99	Primary Contact Recreation
Loire Creek .....	10270102	80	Primary Contact Recreation
Lost Creek .....	10270102	60	Secondary Contact Recreation
Messhoss Creek .....	10270102	96	Primary Contact Recreation
Mud Creek .....	10270102	44	Secondary Contact Recreation
Mud Creek .....	10270102	56	Secondary Contact Recreation
Muddy Creek, West Fork .....	10270102	93	Secondary Contact Recreation
Mulberry Creek .....	10270102	42	Secondary Contact Recreation
Mulberry Creek .....	10270102	77	Secondary Contact Recreation
Nehring Creek .....	10270102	81	Primary Contact Recreation
Paw Paw Creek .....	10270102	75	Secondary Contact Recreation
Pleasant Hill Run Creek .....	10270102	23	Primary Contact Recreation
Pomeroy Creek .....	10270102	59	Secondary Contact Recreation

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Stream segment name	HUC8	Segment #	Designated use
Post Creek .....	10270102	101	Secondary Contact Recreation
Pretty Creek .....	10270102	74	Secondary Contact Recreation
Rock Creek .....	10270102	21	Primary Contact Recreation
Rock Creek, East Fork .....	10270102	22	Secondary Contact Recreation
Ross Creek .....	10270102	35	Secondary Contact Recreation
Salt Creek .....	10270102	88	Secondary Contact Recreation
Sand Creek .....	10270102	65	Secondary Contact Recreation
Shunganunga Creek, South Branch .....	10270102	106	Primary Contact Recreation
Snake Creek .....	10270102	95	Secondary Contact Recreation
Snokomo Creek .....	10270102	85	Secondary Contact Recreation
Spring Creek .....	10270102	48	Secondary Contact Recreation
Spring Creek .....	10270102	54	Primary Contact Recreation
Spring Creek .....	10270102	76	Secondary Contact Recreation
Spring Creek .....	10270102	105	Secondary Contact Recreation
Sullivan Creek .....	10270102	89	Primary Contact Recreation
Tecumseh Creek .....	10270102	107	Secondary Contact Recreation
Turkey Creek .....	10270102	71	Primary Contact Recreation
Unnamed Stream .....	10270102	8	Secondary Contact Recreation
Vassar Creek .....	10270102	100	Secondary Contact Recreation
Vermillion Creek .....	10270102	15	Primary Contact Recreation
Walnut Creek .....	10270102	91	Secondary Contact Recreation
Wells Creek .....	10270102	68	Secondary Contact Recreation
Whetstone Creek .....	10270102	104	Secondary Contact Recreation
Wilson Creek .....	10270102	50	Primary Contact Recreation
Wolf Creek .....	10270102	49	Primary Contact Recreation

Subbasin: Delaware

Banner Creek .....	10270103	45	Secondary Contact Recreation
Barnes Creek .....	10270103	39	Secondary Contact Recreation
Bills Creek .....	10270103	47	Secondary Contact Recreation
Brush Creek .....	10270103	44	Secondary Contact Recreation
Brush Creek .....	10270103	54	Primary Contact Recreation
Burr Oak Branch .....	10270103	8	Primary Contact Recreation
Catamount Creek .....	10270103	49	Primary Contact Recreation
Cedar Creek, North .....	10270103	46	Primary Contact Recreation
Claywell Creek .....	10270103	56	Primary Contact Recreation
Clear Creek .....	10270103	19	Primary Contact Recreation
Coal Creek .....	10270103	50	Primary Contact Recreation
Grasshopper Creek .....	10270103	18	Primary Contact Recreation
Grasshopper Creek .....	10270103	20	Primary Contact Recreation
Gregg Creek .....	10270103	24	Primary Contact Recreation
Honey Creek .....	10270103	55	Secondary Contact Recreation
Little Grasshopper Creek .....	10270103	16	Secondary Contact Recreation
Little Wild Horse Creek .....	10270103	57	Primary Contact Recreation
Mission Creek .....	10270103	40	Primary Contact Recreation
Nebo Creek .....	10270103	48	Secondary Contact Recreation
Negro Creek .....	10270103	43	Secondary Contact Recreation
Otter Creek .....	10270103	41	Secondary Contact Recreation
Plum Creek .....	10270103	36	Secondary Contact Recreation
Rock Creek .....	10270103	34	Primary Contact Recreation
Rock Creek .....	10270103	53	Primary Contact Recreation
Spring Creek .....	10270103	42	Primary Contact Recreation
Squaw Creek .....	10270103	38	Secondary Contact Recreation
Straight Creek .....	10270103	28	Secondary Contact Recreation
Tick Creek .....	10270103	52	Primary Contact Recreation
Unnamed Stream .....	10270103	31	Secondary Contact Recreation
Walnut Creek .....	10270103	51	Primary Contact Recreation
Wolfley Creek .....	10270103	27	Secondary Contact Recreation

Subbasin: Lower Kansas

Baldwin Creek .....	10270104	69	Secondary Contact Recreation
Brush Creek .....	10270104	49	Secondary Contact Recreation
Brush Creek, West .....	10270104	46	Secondary Contact Recreation
Buttermilk Creek .....	10270104	44	Secondary Contact Recreation
Camp Creek .....	10270104	41	Secondary Contact Recreation
Camp Creek .....	10270104	74	Secondary Contact Recreation
Captain Creek .....	10270104	72	Primary Contact Recreation
Chicken Creek .....	10270104	79	Secondary Contact Recreation
Clear Creek .....	10270104	383	Primary Contact Recreation
Cow Creek .....	10270104	58	Secondary Contact Recreation
Crooked Creek .....	10270104	10	Primary Contact Recreation
Crooked Creek .....	10270104	12	Primary Contact Recreation

Stream segment name	HUC8	Segment #	Designated use
Dawson Creek .....	10270104	45	Secondary Contact Recreation
Elk Creek .....	10270104	68	Primary Contact Recreation
Full Creek .....	10270104	52	Primary Contact Recreation
Hanson Creek .....	10270104	437	Secondary Contact Recreation
Hog Creek .....	10270104	54	Secondary Contact Recreation
Howard Creek .....	10270104	43	Secondary Contact Recreation
Hulls Branch .....	10270104	42	Secondary Contact Recreation
Indian Creek .....	10270104	48	Secondary Contact Recreation
Jarbalo Creek .....	10270104	51	Secondary Contact Recreation
Kent Creek .....	10270104	73	Secondary Contact Recreation
Kill Creek .....	10270104	37	Primary Contact Recreation
Little Cedar Creek .....	10270104	76	Primary Contact Recreation
Little Mill Creek .....	10270104	78	Primary Contact Recreation
Little Turkey Creek .....	10270104	62	Primary Contact Recreation
Little Wakarusa Creek .....	10270104	71	Primary Contact Recreation
Mission Creek, East .....	10270104	61	Secondary Contact Recreation
Ninemile Creek .....	10270104	15	Secondary Contact Recreation
Ninemile Creek .....	10270104	17	Primary Contact Recreation
Oakley Creek .....	10270104	56	Secondary Contact Recreation
Plum Creek .....	10270104	50	Secondary Contact Recreation
Prairie Creek .....	10270104	47	Secondary Contact Recreation
Rock Creek .....	10270104	35	Primary Contact Recreation
Scatter Creek .....	10270104	13	Secondary Contact Recreation
Spoon Creek .....	10270104	75	Secondary Contact Recreation
Stone Horse Creek .....	10270104	57	Secondary Contact Recreation
Stranger Creek .....	10270104	7	Primary Contact Recreation
Stranger Creek .....	10270104	8	Primary Contact Recreation
Stranger Creek .....	10270104	9	Primary Contact Recreation
Tonganoxie Creek .....	10270104	14	Primary Contact Recreation
Tooley Creek .....	10270104	379	Secondary Contact Recreation
Turkey Creek .....	10270104	77	Primary Contact Recreation
Unnamed Stream .....	10270104	11	Primary Contact Recreation
Unnamed Stream .....	10270104	16	Secondary Contact Recreation
Wakarusa River, Middle Branch .....	10270104	64	Secondary Contact Recreation
Wakarusa River, South Branch .....	10270104	63	Primary Contact Recreation
Washington Creek .....	10270104	36	Primary Contact Recreation
Yankee Tank Creek .....	10270104	70	Primary Contact Recreation

**Subbasin: Lower Big Blue**

Ackerman Creek .....	10270205	49	Secondary Contact Recreation
Black Vermillion River, Clear Fork .....	10270205	9	Primary Contact Recreation
Black Vermillion River, North Fork .....	10270205	15	Secondary Contact Recreation
Black Vermillion River, South Fork .....	10270205	12	Secondary Contact Recreation
Bluff Creek .....	10270205	573	Primary Contact Recreation
Bommer Creek .....	10270205	40	Secondary Contact Recreation
Busksnort Creek .....	10270205	566	Secondary Contact Recreation
Carter Creek .....	10270205	59	Secondary Contact Recreation
Cedar Creek .....	10270205	56	Secondary Contact Recreation
Corndodger Creek .....	10270205	52	Primary Contact Recreation
De Shazer Creek .....	10270205	55	Secondary Contact Recreation
Deadman Creek .....	10270205	60	Secondary Contact Recreation
Deer Creek .....	10270205	36	Secondary Contact Recreation
Dog Walk Creek .....	10270205	53	Secondary Contact Recreation
Dutch Creek .....	10270205	44	Primary Contact Recreation
Elm Creek .....	10270205	46	Secondary Contact Recreation
Elm Creek, North .....	10270205	41	Secondary Contact Recreation
Fancy Creek, North Fork .....	10270205	61	Secondary Contact Recreation
Fancy Creek, West .....	10270205	29	Primary Contact Recreation
Game Fork .....	10270205	54	Secondary Contact Recreation
Hop Creek .....	10270205	43	Secondary Contact Recreation
Indian Creek .....	10270205	37	Secondary Contact Recreation
Jim Creek .....	10270205	57	Secondary Contact Recreation
Johnson Fork .....	10270205	51	Secondary Contact Recreation
Kearney Branch .....	10270205	58	Secondary Contact Recreation
Lily Creek .....	10270205	39	Secondary Contact Recreation
Little Indian Creek .....	10270205	35	Secondary Contact Recreation
Little Timber Creek .....	10270205	48	Primary Contact Recreation
Meadow Creek .....	10270205	34	Secondary Contact Recreation
Mission Creek .....	10270205	22	Primary Contact Recreation
Murdock Creek .....	10270205	42	Secondary Contact Recreation
Otter Creek .....	10270205	67	Secondary Contact Recreation
Otter Creek, North .....	10270205	62	Primary Contact Recreation
Perkins Creek .....	10270205	47	Secondary Contact Recreation



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Stream segment name	HUC8	Segment #	Designated use
Phiel Creek .....	10270205	68	Primary Contact Recreation
Raemer Creek .....	10270205	33	Primary Contact Recreation
Robidoux Creek .....	10270205	16	Primary Contact Recreation
Schell Creek .....	10270205	45	Primary Contact Recreation
School Branch .....	10270205	63	Secondary Contact Recreation
Scotch Creek .....	10270205	38	Secondary Contact Recreation
Spring Creek .....	10270205	19	Primary Contact Recreation
Spring Creek .....	10270205	65	Primary Contact Recreation
Timber Creek .....	10270205	64	Primary Contact Recreation
Weyer Creek .....	10270205	50	Secondary Contact Recreation

**Subbasin: Upper Little Blue**

Dry Creek .....	10270206	41	Secondary Contact Recreation
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**Subbasin: Lower Little Blue**

Ash Creek .....	10270207	36	Secondary Contact Recreation
Beaver Creek .....	10270207	38	Secondary Contact Recreation
Bolling Creek .....	10270207	42	Secondary Contact Recreation
Bowman Creek .....	10270207	21	Secondary Contact Recreation
Buffalo Creek .....	10270207	32	Secondary Contact Recreation
Camp Creek .....	10270207	35	Secondary Contact Recreation
Camp Creek .....	10270207	44	Primary Contact Recreation
Cedar Creek .....	10270207	40	Secondary Contact Recreation
Cherry Creek .....	10270207	25	Secondary Contact Recreation
Coon Creek .....	10270207	23	Primary Contact Recreation
Fawn Creek .....	10270207	45	Secondary Contact Recreation
Gray Branch .....	10270207	27	Secondary Contact Recreation
Humphrey Branch .....	10270207	24	Secondary Contact Recreation
Iowa Creek .....	10270207	34	Secondary Contact Recreation
Jones Creek .....	10270207	29	Secondary Contact Recreation
Joy Creek .....	10270207	13	Secondary Contact Recreation
Lane Branch .....	10270207	39	Secondary Contact Recreation
Malone Creek .....	10270207	37	Secondary Contact Recreation
Melvin Creek .....	10270207	33	Secondary Contact Recreation
Mercer Creek .....	10270207	43	Primary Contact Recreation
Mill Creek, South Fork .....	10270207	31	Secondary Contact Recreation
Myer Creek .....	10270207	26	Secondary Contact Recreation
Riddle Creek .....	10270207	17	Secondary Contact Recreation
Rose Creek .....	10270207	12	Secondary Contact Recreation
Salt Creek .....	10270207	19	Primary Contact Recreation
School Creek .....	10270207	49	Primary Contact Recreation
Silver Creek .....	10270207	28	Primary Contact Recreation
Spring Creek .....	10270207	15	Secondary Contact Recreation
Spring Creek .....	10270207	30	Secondary Contact Recreation
Walnut Creek .....	10270207	41	Primary Contact Recreation

**Basin: Lower Arkansas**

**Subbasin: Rattlesnake**

Spring Creek .....	11030009	7	Secondary Contact Recreation
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**Subbasin: Gar-Peace**

Gar Creek .....	11030010	8	Primary Contact Recreation
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**Subbasin: Cow**

Blood Creek .....	11030011	15	Secondary Contact Recreation
Deception Creek .....	11030011	13	Secondary Contact Recreation
Dry Creek .....	11030011	22	Primary Contact Recreation
Jarvis Creek .....	11030011	19	Primary Contact Recreation
Little Cheyenne Creek .....	11030011	7	Primary Contact Recreation
Little Cow Creek .....	11030011	2	Primary Contact Recreation
Lost Creek .....	11030011	17	Secondary Contact Recreation
Owl Creek .....	11030011	18	Primary Contact Recreation
Plum Creek .....	11030011	4	Secondary Contact Recreation
Salt Creek .....	11030011	21	Primary Contact Recreation
Spring Creek .....	11030011	20	Secondary Contact Recreation

**Subbasin: Little Arkansas**

Beaver Creek .....	11030012	26	Primary Contact Recreation
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Stream segment name	HUC8	Segment #	Designated use
Bull Creek .....	11030012	24	Primary Contact Recreation
Dry Creek .....	11030012	22	Secondary Contact Recreation
Dry Turkey Creek .....	11030012	13	Primary Contact Recreation
Emma Creek .....	11030012	6	Primary Contact Recreation
Emma Creek .....	11030012	7	Primary Contact Recreation
Emma Creek, West .....	11030012	8	Primary Contact Recreation
Gooseberry Creek .....	11030012	17	Primary Contact Recreation
Horse Creek .....	11030012	19	Primary Contact Recreation
Jester Creek .....	11030012	2	Primary Contact Recreation
Jester Creek, East Fork .....	11030012	18	Primary Contact Recreation
Kisiwa Creek .....	11030012	15	Secondary Contact Recreation
Lone Tree Creek .....	11030012	20	Secondary Contact Recreation
Mud Creek .....	11030012	16	Primary Contact Recreation
Running Turkey Creek .....	11030012	25	Secondary Contact Recreation
Salt Creek .....	11030012	21	Primary Contact Recreation
Sun Creek .....	11030012	11	Primary Contact Recreation
Turkey Creek .....	11030012	12	Secondary Contact Recreation

**Subbasin: Middle Arkansas—State**

Antelope Creek .....	11030013	25	Primary Contact Recreation
Badger Creek .....	11030013	31	Primary Contact Recreation
Beaver Creek .....	11030013	29	Primary Contact Recreation
Beaver Creek .....	11030013	33	Primary Contact Recreation
Big Slough .....	11030013	11	Primary Contact Recreation
Big Slough, South Fork .....	11030013	35	Primary Contact Recreation
Bitter Creek .....	11030013	28	Primary Contact Recreation
Dry Creek .....	11030013	15	Primary Contact Recreation
Dry Creek .....	11030013	16	Primary Contact Recreation
Gypsum Creek .....	11030013	5	Primary Contact Recreation
Hargis Creek .....	11030013	24	Primary Contact Recreation
Lost Creek .....	11030013	23	Primary Contact Recreation
Negro Creek .....	11030013	20	Primary Contact Recreation
Oak Creek .....	11030013	26	Secondary Contact Recreation
Salt Creek .....	11030013	22	Primary Contact Recreation
Spring Creek .....	11030013	19	Primary Contact Recreation
Spring Creek .....	11030013	21	Primary Contact Recreation
Spring Creek .....	11030013	27	Primary Contact Recreation
Spring Creek .....	11030013	34	Primary Contact Recreation
Spring Creek .....	11030013	37	Primary Contact Recreation
Winser Creek .....	11030013	32	Primary Contact Recreation

**Subbasin: North Fork Ninescah**

Crow Creek .....	11030014	11	Primary Contact Recreation
Dooleyville Creek .....	11030014	8	Primary Contact Recreation
Goose Creek .....	11030014	10	Primary Contact Recreation
Ninescah River, North Fork .....	11030014	1	Primary Contact Recreation
Ninescah River, North Fork .....	11030014	5	Primary Contact Recreation
Ninescah River, North Fork .....	11030014	6	Primary Contact Recreation
Red Rock Creek .....	11030014	12	Primary Contact Recreation
Rock Creek .....	11030014	13	Primary Contact Recreation
Silver Creek .....	11030014	7	Primary Contact Recreation
Spring Creek .....	11030014	14	Primary Contact Recreation
Wolf Creek .....	11030014	9	Primary Contact Recreation

**Subbasin: South Fork Ninescah**

Coon Creek .....	11030015	9	Primary Contact Recreation
Coon Creek .....	11030015	17	Primary Contact Recreation
Hunter Creek .....	11030015	14	Primary Contact Recreation
Mead Creek .....	11030015	10	Primary Contact Recreation
Mod Creek .....	11030015	19	Primary Contact Recreation
Natrona Creek .....	11030015	K38	Primary Contact Recreation
Negro Creek .....	11030015	13	Primary Contact Recreation
Nester Creek .....	11030015	15	Primary Contact Recreation
Ninescah River, West Branch South Fork .....	11030015	5	Primary Contact Recreation
Painter Creek .....	11030015	7	Primary Contact Recreation
Pat Creek .....	11030015	11	Primary Contact Recreation
Petyt Creek .....	11030015	12	Primary Contact Recreation
Sand Creek .....	11030015	18	Primary Contact Recreation
Spring Creek .....	11030015	8	Primary Contact Recreation
Wild Run Creek .....	11030015	16	Primary Contact Recreation

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Stream segment name	HUC8	Segment #	Designated use
<b>Subbasin: Ninnescah</b>			
Afton Creek .....	11030016	5	Primary Contact Recreation
Clearwater Creek .....	11030016	4	Primary Contact Recreation
Clearwater Creek .....	11030016	7	Primary Contact Recreation
Dry Creek .....	11030016	16	Primary Contact Recreation
Elm Creek .....	11030016	10	Primary Contact Recreation
Garvey Creek .....	11030016	11	Primary Contact Recreation
Sand Creek .....	11030016	14	Primary Contact Recreation
Silver Creek .....	11030016	12	Primary Contact Recreation
Spring Creek .....	11030016	2	Primary Contact Recreation
Spring Creek .....	11030016	15	Primary Contact Recreation
Turtle Creek .....	11030016	13	Primary Contact Recreation
<b>Subbasin: Kaw Lake</b>			
Blue Branch .....	11060001	30	Primary Contact Recreation
Bullington Creek .....	11060001	28	Primary Contact Recreation
Cedar Creek .....	11060001	32	Primary Contact Recreation
Chilocco Creek .....	11060001	19	Primary Contact Recreation
Crabb Creek .....	11060001	29	Primary Contact Recreation
Ferguson Creek .....	11060001	38	Primary Contact Recreation
Franklin Creek .....	11060001	35	Primary Contact Recreation
Gardners Branch .....	11060001	39	Primary Contact Recreation
Goose Creek .....	11060001	34	Primary Contact Recreation
Myers Creek .....	11060001	24	Primary Contact Recreation
Otter Creek .....	11060001	20	Primary Contact Recreation
Pebble Creek .....	11060001	26	Primary Contact Recreation
Plum Creek .....	11060001	33	Primary Contact Recreation
Riley Creek .....	11060001	37	Primary Contact Recreation
School Creek .....	11060001	31	Primary Contact Recreation
Shellrock Creek .....	11060001	22	Primary Contact Recreation
Silver Creek .....	11060001	17	Primary Contact Recreation
Snake Creek .....	11060001	25	Primary Contact Recreation
Spring Creek .....	11060001	21	Primary Contact Recreation
Turkey Creek .....	11060001	27	Primary Contact Recreation
Wagoner Creek .....	11060001	36	Primary Contact Recreation
<b>Subbasin: Upper Salt Fork Arkansas</b>			
Ash Creek .....	11060002	20	Primary Contact Recreation
Big Sandy Creek .....	11060002	5	Primary Contact Recreation
Cave Creek .....	11060002	28	Primary Contact Recreation
Deadman Creek .....	11060002	22	Primary Contact Recreation
Dog Creek .....	11060002	29	Primary Contact Recreation
Hackberry Creek .....	11060002	23	Primary Contact Recreation
Indian Creek .....	11060002	9	Primary Contact Recreation
Inman Creek .....	11060002	21	Primary Contact Recreation
Mustang Creek .....	11060002	31	Primary Contact Recreation
Nescatunga Creek, East Branch .....	11060002	27	Primary Contact Recreation
Red Creek .....	11060002	16	Primary Contact Recreation
Spring Creek .....	11060002	24	Primary Contact Recreation
Wildcat Creek .....	11060002	12	Primary Contact Recreation
Yellowstone Creek .....	11060002	17	Primary Contact Recreation
<b>Subbasin: Medicine Lodge</b>			
Amber Creek .....	11060003	12	Primary Contact Recreation
Antelope Creek .....	11060003	22	Primary Contact Recreation
Bear Creek .....	11060003	13	Secondary Contact Recreation
Bitter Creek .....	11060003	18	Secondary Contact Recreation
Cedar Creek .....	11060003	20	Primary Contact Recreation
Cottonwood Creek .....	11060003	16	Primary Contact Recreation
Crooked Creek .....	11060003	11	Primary Contact Recreation
Little Mule Creek .....	11060003	9	Primary Contact Recreation
Dry Creek .....	11060003	21	Secondary Contact Recreation
Elm Creek, East Branch South .....	11060003	10	Primary Contact Recreation
Elm Creek, North Branch .....	11060003	4	Primary Contact Recreation
Elm Creek, South Branch .....	11060003	5	Primary Contact Recreation
Little Bear Creek .....	11060003	19	Primary Contact Recreation
Medicine Lodge River, North Branch .....	11060003	24	Secondary Contact Recreation
Mulberry Creek .....	11060003	14	Primary Contact Recreation
Otter Creek .....	11060003	25	Secondary Contact Recreation
Puckett Creek .....	11060003	15	Primary Contact Recreation

Stream segment name	HUC8	Segment #	Designated use
Sand Creek .....	11060003	17	Primary Contact Recreation
Soldier Creek .....	11060003	27	Secondary Contact Recreation
Stink Creek .....	11060003	28	Primary Contact Recreation
Turkey Creek .....	11060003	7	Primary Contact Recreation
Wilson Slough .....	11060003	23	Primary Contact Recreation
<b>Subbasin: Lower Salt Fork Arkansas</b>			
Camp Creek .....	11060004	68	Primary Contact Recreation
Cooper Creek .....	11060004	71	Primary Contact Recreation
Crooked Creek .....	11060004	24	Primary Contact Recreation
Little Sandy Creek .....	11060004	39	Primary Contact Recreation
Little Sandy Creek, East Branch .....	11060004	65	Primary Contact Recreation
Osage Creek .....	11060004	17	Primary Contact Recreation
Plum Creek .....	11060004	70	Primary Contact Recreation
Pond Creek .....	11060004	18	Primary Contact Recreation
Rush Creek .....	11060004	69	Primary Contact Recreation
Salty Creek .....	11060004	40	Primary Contact Recreation
Sandy Creek .....	11060004	37	Primary Contact Recreation
Sandy Creek, West .....	11060004	56	Primary Contact Recreation
Spring Creek .....	11060004	66	Primary Contact Recreation
Unnamed Stream .....	11060004	25	Primary Contact Recreation
<b>Subbasin: Chikaskia</b>			
Allen Creek .....	11060005	40	Primary Contact Recreation
Baehr Creek .....	11060005	22	Primary Contact Recreation
Beaver Creek .....	11060005	28	Primary Contact Recreation
Beaver Creek .....	11060005	46	Primary Contact Recreation
Big Spring Creek .....	11060005	34	Primary Contact Recreation
Bitter Creek .....	11060005	4	Primary Contact Recreation
Bitter Creek, East .....	11060005	16	Primary Contact Recreation
Blue Stem Creek .....	11060005	48	Primary Contact Recreation
Chicken Creek .....	11060005	36	Primary Contact Recreation
Copper Creek .....	11060005	42	Primary Contact Recreation
Dry Creek .....	11060005	17	Primary Contact Recreation
Duck Creek .....	11060005	32	Primary Contact Recreation
Fall Creek .....	11060005	14	Primary Contact Recreation
Fall Creek, East Branch .....	11060005	27	Primary Contact Recreation
Goose Creek .....	11060005	38	Primary Contact Recreation
Kemp Creek .....	11060005	49	Primary Contact Recreation
Long Creek .....	11060005	529	Primary Contact Recreation
Meridian Creek .....	11060005	20	Primary Contact Recreation
Prairie Creek .....	11060005	512	Primary Contact Recreation
Prairie Creek, East .....	11060005	516	Primary Contact Recreation
Prairie Creek, West .....	11060005	527	Primary Contact Recreation
Red Creek .....	11060005	43	Primary Contact Recreation
Rock Creek .....	11060005	23	Primary Contact Recreation
Rodgers Branch .....	11060005	26	Primary Contact Recreation
Rose Bud Creek .....	11060005	44	Primary Contact Recreation
Rush Creek .....	11060005	45	Primary Contact Recreation
Sand Creek .....	11060005	11	Primary Contact Recreation
Sand Creek, East .....	11060005	12	Primary Contact Recreation
Sandy Creek .....	11060005	30	Primary Contact Recreation
Shoo Fly Creek, East .....	11060005	19	Secondary Contact Recreation
Shore Creek .....	11060005	35	Primary Contact Recreation
Silver Creek .....	11060005	29	Primary Contact Recreation
Skunk Creek .....	11060005	39	Primary Contact Recreation
Spring Branch .....	11060005	21	Primary Contact Recreation
Wild Horse Creek .....	11060005	41	Primary Contact Recreation
Wildcat Creek .....	11060005	24	Primary Contact Recreation
<b>Basin: Marais Des Cygnes</b>			
<b>Subbasin: Upper Marais Des Cygnes</b>			
Appanoose Creek .....	10290101	16	Primary Contact Recreation
Appanoose Creek, East .....	10290101	89	Primary Contact Recreation
Batch Creek .....	10290101	86	Primary Contact Recreation
Blue Creek .....	10290101	81	Primary Contact Recreation
Bradshaw Creek .....	10290101	75	Primary Contact Recreation
Cedar Creek .....	10290101	66	Primary Contact Recreation
Cherry Creek .....	10290101	74	Primary Contact Recreation
Chicken Creek .....	10290101	70	Primary Contact Recreation
Chicken Creek .....	10290101	93	Primary Contact Recreation

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Stream segment name	HUC8	Segment #	Designated use
Coal Creek .....	10290101	48	Primary Contact Recreation
Dry Creek .....	10290101	57	Primary Contact Recreation
Dry Creek .....	10290101	95	Primary Contact Recreation
Duck Creek .....	10290101	41	Primary Contact Recreation
Eightmile Creek .....	10290101	13	Primary Contact Recreation
Frog Creek .....	10290101	42	Primary Contact Recreation
Hard Fish Creek .....	10290101	47	Primary Contact Recreation
Hickory Creek .....	10290101	8	Primary Contact Recreation
Hill Creek .....	10290101	71	Primary Contact Recreation
Iantha Creek .....	10290101	62	Primary Contact Recreation
Jersey Creek .....	10290101	76	Primary Contact Recreation
Kenoma Creek .....	10290101	64	Primary Contact Recreation
Little Rock Creek .....	10290101	73	Primary Contact Recreation
Long Creek .....	10290101	K36	Primary Contact Recreation
Locust Creek .....	10290101	69	Primary Contact Recreation
Middle Creek .....	10290101	50	Primary Contact Recreation
Mosquito Creek .....	10290101	52	Primary Contact Recreation
Mud Creek .....	10290101	49	Primary Contact Recreation
Mud Creek .....	10290101	78	Primary Contact Recreation
Mud Creek .....	10290101	91	Primary Contact Recreation
Mute Creek .....	10290101	92	Primary Contact Recreation
Ottawa Creek .....	10290101	K25	Primary Contact Recreation
Plum Creek .....	10290101	2	Primary Contact Recreation
Plum Creek .....	10290101	79	Primary Contact Recreation
Popcorn Creek .....	10290101	87	Primary Contact Recreation
Pottawatomie Creek, North Fork .....	10290101	65	Primary Contact Recreation
Pottawatomie Creek, South Fork .....	10290101	67	Primary Contact Recreation
Rock Creek .....	10290101	43	Primary Contact Recreation
Rock Creek .....	10290101	97	Primary Contact Recreation
Sac Branch, South Fork .....	10290101	54	Secondary Contact Recreation
Sac Creek .....	10290101	60	Primary Contact Recreation
Salt Creek .....	10290101	29	Primary Contact Recreation
Sand Creek .....	10290101	82	Primary Contact Recreation
Smith Creek .....	10290101	77	Primary Contact Recreation
Spring Creek .....	10290101	84	Primary Contact Recreation
Switzler Creek .....	10290101	80	Primary Contact Recreation
Tauy Creek .....	10290101	11	Primary Contact Recreation
Tauy Creek, West Fork .....	10290101	K26	Primary Contact Recreation
Tequa Creek .....	10290101	44	Primary Contact Recreation
Tequa Creek, East Branch .....	10290101	46	Primary Contact Recreation
Tequa Creek, South Branch .....	10290101	45	Primary Contact Recreation
Thomas Creek .....	10290101	72	Secondary Contact Recreation
Turkey Creek .....	10290101	4	Primary Contact Recreation
Turkey Creek .....	10290101	6	Primary Contact Recreation
Unnamed Stream .....	10290101	5	Primary Contact Recreation
Walnut Creek .....	10290101	90	Primary Contact Recreation
West Fork Eight Mile Creek .....	10290101	88	Primary Contact Recreation
Willow Creek .....	10290101	94	Primary Contact Recreation
Wilson Creek .....	10290101	83	Primary Contact Recreation
Wolf Creek .....	10290101	96	Primary Contact Recreation

Subbasin: Lower Marais Des Cygnes

Buck Creek .....	10290102	44	Primary Contact Recreation
Bull Creek .....	10290102	26	Secondary Contact Recreation
Davis Creek .....	10290102	38	Primary Contact Recreation
Dorsey Creek .....	10290102	22	Primary Contact Recreation
Elm Branch .....	10290102	48	Primary Contact Recreation
Elm Branch .....	10290102	53	Primary Contact Recreation
Elm Creek .....	10290102	40	Primary Contact Recreation
Hushpuckney Creek .....	10290102	37	Primary Contact Recreation
Jake Branch .....	10290102	54	Secondary Contact Recreation
Jordan Branch .....	10290102	36	Primary Contact Recreation
Little Bull Creek .....	10290102	51	Primary Contact Recreation
Little Sugar Creek .....	10290102	33	Primary Contact Recreation
Little Sugar Creek, North Fork .....	10290102	43	Primary Contact Recreation
Martin Creek .....	10290102	26	Primary Contact Recreation
Middle Creek .....	10290102	13	Primary Contact Recreation
Middle Creek .....	10290102	30	Primary Contact Recreation
Mound Creek .....	10290102	35	Primary Contact Recreation
Richland Creek .....	10290102	41	Primary Contact Recreation
Rock Creek .....	10290102	27	Primary Contact Recreation
Smith Branch .....	10290102	47	Primary Contact Recreation
Spring Creek .....	10290102	50	Primary Contact Recreation

Stream segment name	HUC8	Segment #	Designated use
Sugar Creek .....	10290102	42	Primary Contact Recreation
Turkey Creek .....	10290102	45	Primary Contact Recreation
Walnut Creek .....	10290102	14	Primary Contact Recreation
Walnut Creek .....	10290102	34	Primary Contact Recreation
Walnut Creek .....	10290102	52	Primary Contact Recreation
Wea Creek, North .....	10290102	21	Primary Contact Recreation
Wea Creek, South .....	10290102	18	Primary Contact Recreation
Wea Creek, South .....	10290102	19	Primary Contact Recreation
Wea Creek, South .....	10290102	20	Primary Contact Recreation
<b>Subbasin: Little Osage</b>			
Clever Creek .....	10290103	7	Primary Contact Recreation
Elk Creek .....	10290103	11	Primary Contact Recreation
Fish Creek .....	10290103	8	Primary Contact Recreation
Indian Creek .....	10290103	12	Primary Contact Recreation
Irish Creek .....	10290103	9	Primary Contact Recreation
Laberdie Creek, East .....	10290103	13	Primary Contact Recreation
Limestone Creek .....	10290103	5	Primary Contact Recreation
Lost Creek .....	10290103	10	Primary Contact Recreation
Reagan Branch .....	10290103	6	Primary Contact Recreation
<b>Subbasin: Marmaton</b>			
Buck Run .....	10290104	46	Primary Contact Recreation
Bunion Creek .....	10290104	39	Primary Contact Recreation
Cedar Creek .....	10290104	41	Primary Contact Recreation
Drywood Creek, Moores Branch .....	10290104	17	Primary Contact Recreation
Drywood Creek, West Fork .....	10290104	19	Primary Contact Recreation
Elm Creek .....	10290104	15	Secondary Contact Recreation
Hinton Creek .....	10290104	38	Primary Contact Recreation
Lath Branch .....	10290104	42	Primary Contact Recreation
Little Mill Creek .....	10290104	34	Primary Contact Recreation
Mill Creek .....	10290104	6	Primary Contact Recreation
Owl Creek .....	10290104	45	Primary Contact Recreation
Paint Creek .....	10290104	13	Primary Contact Recreation
Paint Creek .....	10290104	14	Primary Contact Recreation
Prong Creek .....	10290104	44	Secondary Contact Recreation
Robinson Branch .....	10290104	40	Primary Contact Recreation
Shiloh Creek .....	10290104	36	Primary Contact Recreation
Sweet Branch .....	10290104	30	Primary Contact Recreation
Tennyson Creek .....	10290104	31	Primary Contact Recreation
Turkey Creek .....	10290104	33	Primary Contact Recreation
Walnut Creek .....	10290104	32	Primary Contact Recreation
Walnut Creek .....	10290104	47	Primary Contact Recreation
Wolfpen Creek .....	10290104	37	Primary Contact Recreation
Wolverine Creek .....	10290104	35	Primary Contact Recreation
<b>Subbasin: South Grand</b>			
Harless Creek .....	10290108	67	Primary Contact Recreation
Poney Creek .....	10290108	48	Primary Contact Recreation
<b>Basin: Missouri</b>			
<b>Subbasin: Tarkio-Wolf</b>			
Cold Ryan Branch .....	10240005	70	Primary Contact Recreation
Coon Creek .....	10240005	71	Primary Contact Recreation
Halling Creek .....	10240005	68	Primary Contact Recreation
Mill Creek .....	10240005	52	Primary Contact Recreation
Rittenhouse Branch .....	10240005	69	Primary Contact Recreation
Spring Creek .....	10240005	65	Primary Contact Recreation
Striker Branch .....	10240005	72	Primary Contact Recreation
Wolf River, Middle Fork .....	10240005	67	Primary Contact Recreation
Wolf River, North Fork .....	10240005	66	Primary Contact Recreation
Wolf River, South Fork .....	10240005	57	Primary Contact Recreation
Unnamed Stream .....	10240005	55	Primary Contact Recreation
<b>Subbasin: South Fork Big Nemaha</b>			
Burger Creek .....	10240007	24	Secondary Contact Recreation
Deer Creek .....	10240007	18	Primary Contact Recreation
Fisher Creek .....	10240007	28	Primary Contact Recreation
Illinois Creek .....	10240007	30	Primary Contact Recreation

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Stream segment name	HUC8	Segment #	Designated use
Rattlesnake Creek .....	10240007	27	Primary Contact Recreation
Rock Creek .....	10240007	20	Primary Contact Recreation
Tennessee Creek .....	10240007	29	Primary Contact Recreation
Turkey Creek .....	10240007	4	Primary Contact Recreation
Turkey Creek .....	10240007	5	Primary Contact Recreation
Wildcat Creek .....	10240007	23	Primary Contact Recreation
Wildcat Creek .....	10240007	22	Primary Contact Recreation
Wolf Pen Creek .....	10240007	25	Primary Contact Recreation

**Subbasin: Big Nemaha**

Noharts Creek .....	10240008	42	Primary Contact Recreation
Pedee Creek .....	10240008	41	Primary Contact Recreation
Pony Creek .....	10240008	38	Primary Contact Recreation
Roys Creek .....	10240008	40	Primary Contact Recreation

**Subbasin: Independence—Sugar**

Brush Creek .....	10240011	26	Primary Contact Recreation
Deer Creek .....	10240011	32	Primary Contact Recreation
Fivemile Creek .....	10240011	35	Primary Contact Recreation
Independence Creek, North Branch .....	10240011	29	Primary Contact Recreation
Jordan Creek .....	10240011	30	Primary Contact Recreation
Owl Creek .....	10240011	33	Primary Contact Recreation
Rock Creek .....	10240011	21	Primary Contact Recreation
Salt Creek .....	10240011	34	Primary Contact Recreation
Smith Creek .....	10240011	28	Primary Contact Recreation
Three Mile Creek .....	10240011	36	Primary Contact Recreation
Walnut Creek .....	10240011	23	Primary Contact Recreation
Walnut Creek .....	10240011	25	Primary Contact Recreation
White Clay Creek .....	10240011	31	Primary Contact Recreation
White Clay Creek .....	10240011	9031	Primary Contact Recreation
Whiskey Creek .....	10240011	235	Primary Contact Recreation
Whiskey Creek .....	10240011	9235	Primary Contact Recreation

**Subbasin: Lower Missouri—Crooked**

Brush Creek .....	10300101	54	Primary Contact Recreation
Camp Branch .....	10300101	56	Primary Contact Recreation
Coffee Creek .....	10300101	57	Primary Contact Recreation
Dyke Branch .....	10300101	55	Primary Contact Recreation
Indian Creek .....	10300101	32	Primary Contact Recreation
Negro Creek .....	10300101	58	Primary Contact Recreation
Tomahawk Creek .....	10300101	53	Primary Contact Recreation

**Basin: Neosho**

**Subbasin: Neosho Headwaters**

Allen Creek .....	11070201	5	Primary Contact Recreation
Badger Creek .....	11070201	45	Primary Contact Recreation
Big John Creek .....	11070201	37	Primary Contact Recreation
Bluff Creek .....	11070201	8	Primary Contact Recreation
Crooked Creek .....	11070201	35	Primary Contact Recreation
Dows Creek .....	11070201	3	Primary Contact Recreation
Dows Creek .....	11070201	4	Primary Contact Recreation
Eagle Creek .....	11070201	25	Primary Contact Recreation
Eagle Creek, South .....	11070201	47	Primary Contact Recreation
East Creek .....	11070201	39	Primary Contact Recreation
Elm Creek .....	11070201	36	Primary Contact Recreation
Fourmile Creek .....	11070201	24	Primary Contact Recreation
Fourmile Creek .....	11070201	48	Primary Contact Recreation
Haun Creek .....	11070201	29	Primary Contact Recreation
Horse Creek .....	11070201	33	Primary Contact Recreation
Kahola Creek .....	11070201	43	Primary Contact Recreation
Lairds Creek .....	11070201	30	Primary Contact Recreation
Lanos Creek .....	11070201	21	Primary Contact Recreation
Lebo Creek .....	11070201	51	Primary Contact Recreation
Munkers Creek, East Branch .....	11070201	31	Primary Contact Recreation
Munkers Creek, Middle Branch .....	11070201	32	Primary Contact Recreation
Neosho River, East Fork .....	11070201	18	Primary Contact Recreation
Neosho River, West Fork .....	11070201	28	Primary Contact Recreation
Parkers Creek .....	11070201	27	Primary Contact Recreation
Plum Creek .....	11070201	50	Primary Contact Recreation
Plumb Creek .....	11070201	49	Primary Contact Recreation

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Stream segment name	HUC8	Segment #	Designated use
Rock Creek .....	11070201	7	Primary Contact Recreation
Rock Creek .....	11070201	9	Primary Contact Recreation
Rock Creek, East Branch .....	11070201	34	Primary Contact Recreation
Spring Creek .....	11070201	40	Primary Contact Recreation
Stillman Creek .....	11070201	44	Primary Contact Recreation
Taylor Creek .....	11070201	46	Primary Contact Recreation
Walker Branch .....	11070201	42	Primary Contact Recreation
Wolf Creek .....	11070201	41	Primary Contact Recreation
Wrights Creek .....	11070201	38	Primary Contact Recreation
<b>Subbasin: Upper Cottonwood</b>			
Antelope Creek .....	11070202	19	Primary Contact Recreation
Bills Creek .....	11070202	30	Primary Contact Recreation
Bruno Creek .....	11070202	27	Primary Contact Recreation
Catlin Creek .....	11070202	20	Primary Contact Recreation
Clear Creek .....	11070202	5	Primary Contact Recreation
Clear Creek, East Branch .....	11070202	24	Primary Contact Recreation
Coon Creek .....	11070202	32	Primary Contact Recreation
Cottonwood River, South .....	11070202	17	Primary Contact Recreation
Cottonwood River, South .....	11070202	18	Primary Contact Recreation
Doyle Creek .....	11070202	21	Primary Contact Recreation
French Creek .....	11070202	16	Primary Contact Recreation
Mud Creek .....	11070202	6	Primary Contact Recreation
Perry Creek .....	11070202	23	Primary Contact Recreation
Spring Branch .....	11070202	26	Primary Contact Recreation
Spring Creek .....	11070202	28	Primary Contact Recreation
Spring Creek .....	11070202	29	Primary Contact Recreation
Stony Brook .....	11070202	25	Primary Contact Recreation
Turkey Creek .....	11070202	31	Primary Contact Recreation
<b>Subbasin: Lower Cottonwood</b>			
Beaver Creek .....	11070203	29	Primary Contact Recreation
Bloody Creek .....	11070203	40	Primary Contact Recreation
Buck Creek .....	11070203	39	Primary Contact Recreation
Buckeye Creek .....	11070203	44	Primary Contact Recreation
Bull Creek .....	11070203	26	Primary Contact Recreation
Camp Creek .....	11070203	14	Primary Contact Recreation
Coal Creek .....	11070203	43	Primary Contact Recreation
Collett Creek .....	11070203	21	Primary Contact Recreation
Corn Creek .....	11070203	47	Primary Contact Recreation
Coyne Branch .....	11070203	33	Primary Contact Recreation
Crocker Creek .....	11070203	46	Primary Contact Recreation
Dodds Creek .....	11070203	15	Primary Contact Recreation
Fox Creek .....	11070203	19	Primary Contact Recreation
French Creek .....	11070203	32	Primary Contact Recreation
Gannon Creek .....	11070203	24	Primary Contact Recreation
Gould Creek .....	11070203	36	Primary Contact Recreation
Holmes Creek .....	11070203	35	Primary Contact Recreation
Jacob Creek .....	11070203	28	Primary Contact Recreation
Kirk Creek .....	11070203	48	Primary Contact Recreation
Little Cedar Creek .....	11070203	11	Primary Contact Recreation
Little Cedar Creek .....	11070203	45	Primary Contact Recreation
Middle Creek .....	11070203	5	Primary Contact Recreation
Mile-and-a-half Creek .....	11070203	13	Secondary Contact Recreation
Moon Creek .....	11070203	31	Primary Contact Recreation
Mulvane Creek .....	11070203	22	Primary Contact Recreation
Peyton Creek .....	11070203	25	Primary Contact Recreation
Phenis Creek .....	11070203	30	Primary Contact Recreation
Pickett Creek .....	11070203	18	Primary Contact Recreation
Prather Creek .....	11070203	23	Primary Contact Recreation
Rock Creek .....	11070203	37	Primary Contact Recreation
Schaffer Creek .....	11070203	17	Primary Contact Recreation
School Creek .....	11070203	16	Primary Contact Recreation
Sharpes Creek .....	11070203	38	Primary Contact Recreation
Silver Creek .....	11070203	34	Primary Contact Recreation
Spring Creek .....	11070203	41	Primary Contact Recreation
Stout Run .....	11070203	27	Primary Contact Recreation
Stribby Creek .....	11070203	20	Primary Contact Recreation
<b>Subbasin: Upper Neosho</b>			
Badger Creek .....	11070204	42	Primary Contact Recreation



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Stream segment name	HUC8	Segment #	Designated use
Big Creek, North .....	11070204	16	Primary Contact Recreation
Big Creek, South .....	11070204	17	Primary Contact Recreation
Bloody Run .....	11070204	25	Primary Contact Recreation
Carlyle Creek .....	11070204	47	Primary Contact Recreation
Charles Branch .....	11070204	27	Primary Contact Recreation
Cherry Creek .....	11070204	20	Primary Contact Recreation
Coal Creek .....	11070204	4	Primary Contact Recreation
Cottonwood Creek .....	11070204	48	Primary Contact Recreation
Crooked Creek .....	11070204	44	Primary Contact Recreation
Draw Creek .....	11070204	34	Primary Contact Recreation
Goose Creek .....	11070204	29	Primary Contact Recreation
Long Creek .....	11070204	12	Primary Contact Recreation
Martin Creek .....	11070204	49	Primary Contact Recreation
Mud Creek .....	11070204	26	Primary Contact Recreation
Mud Creek .....	11070204	31	Primary Contact Recreation
Onion Creek .....	11070204	24	Primary Contact Recreation
Owl Creek .....	11070204	19	Primary Contact Recreation
Owl Creek .....	11070204	21	Primary Contact Recreation
Plum Creek .....	11070204	22	Primary Contact Recreation
Rock Creek .....	11070204	7	Primary Contact Recreation
Rock Creek .....	11070204	23	Primary Contact Recreation
Rock Creek .....	11070204	15	Primary Contact Recreation
School Creek .....	11070204	38	Primary Contact Recreation
Scott Creek .....	11070204	40	Primary Contact Recreation
Slack Creek .....	11070204	30	Primary Contact Recreation
Spring Creek .....	11070204	46	Primary Contact Recreation
Sutton Creek .....	11070204	35	Primary Contact Recreation
Turkey Branch .....	11070204	28	Primary Contact Recreation
Turkey Creek .....	11070204	18	Primary Contact Recreation
Turkey Creek .....	11070204	32	Primary Contact Recreation
Twiss Creek .....	11070204	45	Primary Contact Recreation
Varvel Creek .....	11070204	43	Primary Contact Recreation
Village Creek .....	11070204	33	Primary Contact Recreation
Wolf Creek .....	11070204	37	Primary Contact Recreation

Subbasin: Middle Neosho

Bachelor Creek .....	11070205	40	Primary Contact Recreation
Canville Creek .....	11070205	16	Primary Contact Recreation
Center Creek .....	11070205	25	Primary Contact Recreation
Cherry Creek .....	11070205	4	Primary Contact Recreation
Deer Creek .....	11070205	27	Primary Contact Recreation
Denny Branch .....	11070205	31	Primary Contact Recreation
Elk Creek .....	11070205	19	Primary Contact Recreation
Elm Creek .....	11070205	43	Primary Contact Recreation
Flat Rock Creek .....	11070205	12	Primary Contact Recreation
Flat Rock Creek .....	11070205	14	Primary Contact Recreation
Fourmile Creek .....	11070205	49	Primary Contact Recreation
Grindstone Creek .....	11070205	42	Primary Contact Recreation
Hickory Creek .....	11070205	10	Primary Contact Recreation
Lake Creek .....	11070205	24	Primary Contact Recreation
Lightning Creek .....	11070205	6	Primary Contact Recreation
Lightning Creek .....	11070205	8	Primary Contact Recreation
Limestone Creek .....	11070205	7	Primary Contact Recreation
Little Cherry Creek .....	11070205	32	Primary Contact Recreation
Little Elk Creek .....	11070205	47	Primary Contact Recreation
Little Fly Creek .....	11070205	26	Secondary Contact Recreation
Little Labette Creek .....	11070205	23	Primary Contact Recreation
Little Walnut Creek .....	11070205	46	Primary Contact Recreation
Litup Creek .....	11070205	36	Primary Contact Recreation
Mulberry Creek .....	11070205	35	Primary Contact Recreation
Murphy Creek .....	11070205	41	Primary Contact Recreation
Ogeese Creek .....	11070205	38	Primary Contact Recreation
Pecan Creek .....	11070205	45	Primary Contact Recreation
Plum Creek .....	11070205	34	Primary Contact Recreation
Rock Creek .....	11070205	48	Primary Contact Recreation
Spring Creek .....	11070205	30	Primary Contact Recreation
Stink Branch .....	11070205	37	Primary Contact Recreation
Thunderbolt Creek .....	11070205	44	Primary Contact Recreation
Tolen Creek .....	11070205	39	Primary Contact Recreation
Town Creek .....	11070205	28	Primary Contact Recreation
Turkey Creek .....	11070205	29	Primary Contact Recreation
Walnut Creek .....	11070205	13	Primary Contact Recreation
Wolf Creek .....	11070205	33	Primary Contact Recreation

Stream segment name	HUC8	Segment #	Designated use
<b>Subbasin: Lake O' the Cherokees</b>			
Fourmile Creek .....	11070206	18	Primary Contact Recreation
Tar Creek .....	11070206	19	Primary Contact Recreation
<b>Subbasin: Spring</b>			
Little Shawnee Creek .....	11070207	22	Primary Contact Recreation
Long Branch .....	11070207	21	Primary Contact Recreation
Shawnee Creek .....	11070207	17	Primary Contact Recreation
Taylor Branch .....	11070207	25	Primary Contact Recreation
Willow Creek .....	11070207	20	Primary Contact Recreation
<b>Basin: Smoky Hill/Saline</b>			
<b>Subbasin: Middle Smoky Hill</b>			
Ash Creek .....	10260006	37	Primary Contact Recreation
Big Timber Creek .....	10260006	24	Primary Contact Recreation
Big Timber Creek .....	10260006	25	Primary Contact Recreation
Big Timber Creek .....	10260006	27	Primary Contact Recreation
Blood Creek .....	10260006	35	Secondary Contact Recreation
Buck Creek .....	10260006	29	Primary Contact Recreation
Buffalo Creek .....	10260006	6	Primary Contact Recreation
Clear Creek .....	10260006	42	Primary Contact Recreation
Coal Creek .....	10260006	34	Primary Contact Recreation
Cow Creek .....	10260006	38	Primary Contact Recreation
Eagle Creek .....	10260006	30	Primary Contact Recreation
Fossil Creek .....	10260006	13	Primary Contact Recreation
Goose Creek .....	10260006	39	Primary Contact Recreation
Landon Creek .....	10260006	31	Primary Contact Recreation
Loss Creek .....	10260006	44	Primary Contact Recreation
Mud Creek .....	10260006	47	Primary Contact Recreation
Oxide Creek .....	10260006	45	Primary Contact Recreation
Sellens Creek .....	10260006	32	Primary Contact Recreation
Shelter Creek .....	10260006	43	Primary Contact Recreation
Skunk Creek .....	10260006	48	Primary Contact Recreation
Spring Creek .....	10260006	41	Primary Contact Recreation
Timber Creek .....	10260006	26	Primary Contact Recreation
Turkey Creek .....	10260006	46	Primary Contact Recreation
Unnamed Stream .....	10260006	20	Primary Contact Recreation
Unnamed Stream .....	10260006	23	Primary Contact Recreation
Unnamed Stream .....	10260006	28	Primary Contact Recreation
Wilson Creek .....	10260006	40	Primary Contact Recreation
Wolf Creek .....	10260006	36	Primary Contact Recreation
<b>Subbasin: Lower Smoky Hill</b>			
Basket Creek .....	10260008	40	Primary Contact Recreation
Battle Creek .....	10260008	23	Primary Contact Recreation
Carry Creek .....	10260008	32	Primary Contact Recreation
Carry Creek .....	10260008	35	Primary Contact Recreation
Chapman Creek, West .....	10260008	5	Primary Contact Recreation
Dry Creek .....	10260008	36	Primary Contact Recreation
Dry Creek, East .....	10260008	43	Primary Contact Recreation
Hobbs Creek .....	10260008	48	Primary Contact Recreation
Holland Creek .....	10260008	25	Primary Contact Recreation
Holland Creek, East .....	10260008	27	Primary Contact Recreation
Holland Creek, West .....	10260008	26	Primary Contact Recreation
Kentucky Creek .....	10260008	17	Secondary Contact Recreation
Kentucky Creek, West .....	10260008	54	Primary Contact Recreation
Lone Tree Creek .....	10260008	41	Primary Contact Recreation
Lyon Creek, West Branch .....	10260008	34	Primary Contact Recreation
Mcallister Creek .....	10260008	49	Primary Contact Recreation
Middle Branch .....	10260008	58	Primary Contact Recreation
Mud Creek .....	10260008	8	Primary Contact Recreation
Otter Creek .....	10260008	42	Primary Contact Recreation
Paint Creek .....	10260008	52	Secondary Contact Recreation
Pewee Creek .....	10260008	56	Primary Contact Recreation
Sand Creek .....	10260008	46	Primary Contact Recreation
Sharps Creek .....	10260008	16	Secondary Contact Recreation
Spring Creek .....	10260008	45	Primary Contact Recreation
Stag Creek .....	10260008	19	Primary Contact Recreation
Turkey Creek .....	10260008	28	Primary Contact Recreation
Turkey Creek .....	10260008	30	Primary Contact Recreation

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Stream segment name	HUC8	Segment #	Designated use
Turkey Creek, East .....	10260008	50	Primary Contact Recreation
Turkey Creek, West Branch .....	10260008	29	Primary Contact Recreation
Unnamed Stream .....	10260008	K3	Primary Contact Recreation
Unnamed Stream .....	10260008	K4	Primary Contact Recreation
Unnamed Stream .....	10260008	K24	Primary Contact Recreation
Wiley Creek .....	10260008	47	Primary Contact Recreation

**Subbasin: Upper Saline**

Cedar Creek .....	10260009	30	Secondary Contact Recreation
Chalk Creek .....	10260009	26	Primary Contact Recreation
Coyote Creek .....	10260009	23	Primary Contact Recreation
Eagle Creek .....	10260009	6	Primary Contact Recreation
Happy Creek .....	10260009	25	Primary Contact Recreation
Paradise Creek .....	10260009	5	Primary Contact Recreation
Salt Creek .....	10260009	20	Primary Contact Recreation
Spring Creek, East .....	10260009	10	Primary Contact Recreation
Sweetwater Creek .....	10260009	29	Primary Contact Recreation
Trego Creek .....	10260009	19	Primary Contact Recreation
Unnamed Stream .....	10260009	13	Primary Contact Recreation
Wild Horse Creek .....	10260009	27	Primary Contact Recreation

**Subbasin: Lower Saline**

Bacon Creek .....	10260010	7	Primary Contact Recreation
Blue Stem Creek .....	10260010	33	Primary Contact Recreation
Coon Creek .....	10260010	31	Primary Contact Recreation
Dry Creek .....	10260010	29	Secondary Contact Recreation
Eff Creek .....	10260010	23	Primary Contact Recreation
Elkhorn Creek .....	10260010	17	Primary Contact Recreation
Elkhorn Creek, West .....	10260010	38	Primary Contact Recreation
Fourmile Creek .....	10260010	30	Primary Contact Recreation
Lost Creek .....	10260010	34	Secondary Contact Recreation
Owl Creek .....	10260010	18	Primary Contact Recreation
Owl Creek .....	10260010	39	Primary Contact Recreation
Ralston Creek .....	10260010	28	Primary Contact Recreation
Shaw Creek .....	10260010	41	Primary Contact Recreation
Spillman Creek .....	10260010	6	Primary Contact Recreation
Spillman Creek, North Branch .....	10260010	8	Primary Contact Recreation
Spring Creek .....	10260010	16	Primary Contact Recreation
Spring Creek .....	10260010	19	Primary Contact Recreation
Spring Creek .....	10260010	20	Primary Contact Recreation
Spring Creek .....	10260010	24	Primary Contact Recreation
Spring Creek .....	10260010	26	Primary Contact Recreation
Spring Creek .....	10260010	27	Primary Contact Recreation
Table Rock Creek .....	10260010	40	Primary Contact Recreation
Trail Creek .....	10260010	32	Secondary Contact Recreation
Twelvemile Creek .....	10260010	36	Primary Contact Recreation
Twin Creek, West .....	10260010	37	Secondary Contact Recreation
West Spring Creek .....	10260010	25	Primary Contact Recreation
Wolf Creek .....	10260010	10	Primary Contact Recreation
Wolf Creek, East Fork .....	10260010	11	Primary Contact Recreation
Wolf Creek, West Fork .....	10260010	12	Primary Contact Recreation
Yauger Creek .....	10260010	35	Primary Contact Recreation

**Basin: Solomon**

**Subbasin: Upper North Fork Solomon**

Ash Creek .....	10260011	24	Primary Contact Recreation
Beaver Creek .....	10260011	23	Primary Contact Recreation
Big Timber Creek .....	10260011	8	Primary Contact Recreation
Bow Creek .....	10260011	15	Primary Contact Recreation
Cactus Creek .....	10260011	28	Primary Contact Recreation
Crooked Creek .....	10260011	6	Primary Contact Recreation
Elk Creek .....	10260011	12	Primary Contact Recreation
Elk Creek, East .....	10260011	25	Primary Contact Recreation
Game Creek .....	10260011	10	Primary Contact Recreation
Game Creek .....	10260011	27	Primary Contact Recreation
Lost Creek .....	10260011	20	Primary Contact Recreation
Sand Creek .....	10260011	26	Primary Contact Recreation
Scull Creek .....	10260011	21	Primary Contact Recreation
Spring Creek .....	10260011	19	Primary Contact Recreation
Wolf Creek .....	10260011	22	Primary Contact Recreation

Stream segment name	HUC8	Segment #	Designated use
<b>Subbasin: Lower North Fork Solomon</b>			
Beaver Creek .....	10260012	10	Primary Contact Recreation
Beaver Creek, East Branch .....	10260012	11	Primary Contact Recreation
Beaver Creek, Middle .....	10260012	12	Primary Contact Recreation
Beaver Creek, Middle .....	10260012	13	Primary Contact Recreation
Beaver Creek, West .....	10260012	14	Secondary Contact Recreation
Big Creek .....	10260012	26	Primary Contact Recreation
Boughton Creek .....	10260012	34	Primary Contact Recreation
Buck Creek .....	10260012	43	Secondary Contact Recreation
Cedar Creek .....	10260012	16	Primary Contact Recreation
Cedar Creek .....	10260012	18	Primary Contact Recreation
Cedar Creek, East .....	10260012	17	Primary Contact Recreation
Cedar Creek, East Middle .....	10260012	37	Primary Contact Recreation
Cedar Creek, Middle .....	10260012	19	Secondary Contact Recreation
Deer Creek .....	10260012	23	Primary Contact Recreation
Deer Creek .....	10260012	25	Primary Contact Recreation
Deer Creek .....	10260012	27	Primary Contact Recreation
Deer Creek .....	10260012	29	Primary Contact Recreation
Deer Creek .....	10260012	31	Primary Contact Recreation
Dry Creek .....	10260012	42	Primary Contact Recreation
Glen Rock Creek .....	10260012	41	Primary Contact Recreation
Lawrence Creek .....	10260012	44	Primary Contact Recreation
Lindley Creek .....	10260012	45	Primary Contact Recreation
Little Oak Creek .....	10260012	3	Primary Contact Recreation
Medicine Creek .....	10260012	33	Primary Contact Recreation
Oak Creek .....	10260012	2	Primary Contact Recreation
Oak Creek .....	10260012	4	Primary Contact Recreation
Oak Creek, East .....	10260012	40	Primary Contact Recreation
Oak Creek, West .....	10260012	39	Secondary Contact Recreation
Plotner Creek .....	10260012	30	Primary Contact Recreation
Plum Creek .....	10260012	20	Primary Contact Recreation
Spring Creek .....	10260012	8	Secondary Contact Recreation
Spring Creek .....	10260012	28	Secondary Contact Recreation
Starvation Creek .....	10260012	38	Primary Contact Recreation
Turner Creek .....	10260012	24	Primary Contact Recreation
<b>Subbasin: Upper South Fork Solomon</b>			
Spring Creek .....	10260013	5	Primary Contact Recreation
<b>Subbasin: Lower South Fork Solomon</b>			
Ash Creek .....	10260014	22	Primary Contact Recreation
Boxelder Creek .....	10260014	14	Primary Contact Recreation
Carr Creek .....	10260014	21	Primary Contact Recreation
Covert Creek .....	10260014	19	Primary Contact Recreation
Crooked Creek .....	10260014	27	Primary Contact Recreation
Dibble Creek .....	10260014	23	Primary Contact Recreation
Elm Creek .....	10260014	15	Primary Contact Recreation
Jim Creek .....	10260014	25	Primary Contact Recreation
Kill Creek .....	10260014	18	Primary Contact Recreation
Kill Creek, East .....	10260014	28	Primary Contact Recreation
Lost Creek .....	10260014	13	Primary Contact Recreation
Lucky Creek .....	10260014	26	Primary Contact Recreation
Medicine Creek .....	10260014	16	Primary Contact Recreation
Medicine Creek .....	10260014	17	Primary Contact Recreation
Robbers Roost Creek .....	10260014	24	Primary Contact Recreation
Twin Creek .....	10260014	20	Primary Contact Recreation
Twin Creek, East .....	10260014	29	Primary Contact Recreation
<b>Subbasin: Solomon River</b>			
Cow Creek .....	10260015	28	Primary Contact Recreation
Fifth Creek .....	10260015	45	Secondary Contact Recreation
Granite Creek .....	10260015	24	Secondary Contact Recreation
Leban Creek .....	10260015	41	Secondary Contact Recreation
Mill Creek .....	10260015	38	Secondary Contact Recreation
Mulberry Creek .....	10260015	36	Secondary Contact Recreation
Pipe Creek .....	10260015	9	Primary Contact Recreation
Walnut Creek .....	10260015	26	Secondary Contact Recreation

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Stream segment name	HUC8	Segment #	Designated use
<b>Basin: Upper Arkansas</b>			
<b>Subbasin: Buckner</b>			
Buckner Creek, South Fork .....	11030006	6	Primary Contact Recreation
Duck Creek .....	11030006	8	Secondary Contact Recreation
Elm Creek .....	11030006	5	Primary Contact Recreation
Saw Log Creek .....	11030006	3	Primary Contact Recreation
Saw Log Creek .....	11030006	4	Secondary Contact Recreation
<b>Subbasin: Lower Walnut Creek</b>			
Alexander Dry Creek .....	11030008	7	Secondary Contact Recreation
Bazine Creek .....	11030008	9	Secondary Contact Recreation
Boot Creek .....	11030008	15	Secondary Contact Recreation
Dry Creek .....	11030008	14	Secondary Contact Recreation
Dry Walnut Creek .....	11030008	13	Secondary Contact Recreation
Otter Creek .....	11030008	12	Primary Contact Recreation
Sand Creek .....	11030008	3	Secondary Contact Recreation
Sandy Creek .....	11030008	11	Secondary Contact Recreation
Walnut Creek .....	11030008	1	Primary Contact Recreation
Walnut Creek .....	11030008	2	Primary Contact Recreation
Walnut Creek .....	11030008	4	Primary Contact Recreation
<b>Basin: Upper Republican</b>			
<b>Subbasin: South Fork Republican</b>			
Big Timber Creek .....	10250003	61	Secondary Contact Recreation
<b>Subbasin: Beaver</b>			
Beaver Creek .....	10250014	2	Secondary Contact Recreation
<b>Basin: Verdigris</b>			
<b>Subbasin: Upper Verdigris</b>			
Bachelor Creek .....	11070101	21	Primary Contact Recreation
Bernard Creek .....	11070101	24	Secondary Contact Recreation
Big Cedar Creek .....	11070101	39	Primary Contact Recreation
Brazil Creek .....	11070101	31	Primary Contact Recreation
Buffalo Creek .....	11070101	2	Primary Contact Recreation
Buffalo Creek, West .....	11070101	34	Primary Contact Recreation
Cedar Creek .....	11070101	32	Primary Contact Recreation
Chetopa Creek .....	11070101	22	Primary Contact Recreation
Crooked Creek .....	11070101	38	Primary Contact Recreation
Dry Creek .....	11070101	27	Primary Contact Recreation
Elder Branch .....	11070101	37	Primary Contact Recreation
Fancy Creek .....	11070101	28	Primary Contact Recreation
Greenhall Creek .....	11070101	26	Primary Contact Recreation
Holderman Creek .....	11070101	47	Primary Contact Recreation
Homer Creek .....	11070101	20	Primary Contact Recreation
Kelly Branch .....	11070101	42	Primary Contact Recreation
Kuntz Branch .....	11070101	29	Primary Contact Recreation
Little Sandy Creek .....	11070101	33	Primary Contact Recreation
Long Creek .....	11070101	45	Primary Contact Recreation
Miller Creek .....	11070101	30	Primary Contact Recreation
Moon Branch .....	11070101	43	Primary Contact Recreation
Onion Creek .....	11070101	23	Primary Contact Recreation
Rock Creek .....	11070101	14	Primary Contact Recreation
Ross Branch .....	11070101	35	Primary Contact Recreation
Sandy Creek .....	11070101	4	Primary Contact Recreation
Shaw Creek .....	11070101	40	Primary Contact Recreation
Slate Creek .....	11070101	25	Primary Contact Recreation
Snake Creek .....	11070101	36	Primary Contact Recreation
Tate Branch Creek .....	11070101	44	Primary Contact Recreation
Van Horn Creek .....	11070101	46	Primary Contact Recreation
Verdigris River, Bernard Branch .....	11070101	16	Primary Contact Recreation
Verdigris River, North Branch .....	11070101	13	Primary Contact Recreation
Verdigris River, North Branch .....	11070101	15	Primary Contact Recreation
Walnut Creek .....	11070101	19	Primary Contact Recreation
West Creek .....	11070101	17	Primary Contact Recreation
Wolf Creek .....	11070101	41	Primary Contact Recreation
<b>Subbasin: Fall</b>			
Battle Creek .....	11070102	18	Primary Contact Recreation

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Stream segment name	HUC8	Segment #	Designated use
Burnt Creek .....	11070102	24	Primary Contact Recreation
Clear Creek .....	11070102	37	Primary Contact Recreation
Coon Creek .....	11070102	25	Primary Contact Recreation
Coon Creek .....	11070102	36	Primary Contact Recreation
Crain Creek .....	11070102	32	Primary Contact Recreation
Honey Creek .....	11070102	26	Primary Contact Recreation
Indian Creek .....	11070102	15	Primary Contact Recreation
Ivanpah Creek .....	11070102	19	Primary Contact Recreation
Kitty Creek .....	11070102	27	Primary Contact Recreation
Little Indian Creek .....	11070102	34	Primary Contact Recreation
Little Salt Creek .....	11070102	35	Primary Contact Recreation
Oleson Creek .....	11070102	21	Primary Contact Recreation
Otis Creek .....	11070102	20	Primary Contact Recreation
Plum Creek .....	11070102	30	Primary Contact Recreation
Rainbow Creek, East .....	11070102	17	Primary Contact Recreation
Salt Creek .....	11070102	14	Primary Contact Recreation
Salt Creek .....	11070102	38	Primary Contact Recreation
Silver Creek .....	11070102	33	Primary Contact Recreation
Snake Creek .....	11070102	31	Primary Contact Recreation
Spring Creek .....	11070102	12	Primary Contact Recreation
Swing Creek .....	11070102	989	Primary Contact Recreation
Tadpole Creek .....	11070102	29	Primary Contact Recreation
Watson Branch .....	11070102	23	Primary Contact Recreation

**Subbasin: Middle Verdigris**

Big Creek .....	11070103	21	Primary Contact Recreation
Biscuit Creek .....	11070103	53	Primary Contact Recreation
Bluff Run .....	11070103	54	Primary Contact Recreation
Choteau Creek .....	11070103	63	Primary Contact Recreation
Claymore Creek .....	11070103	50	Primary Contact Recreation
Deadman Creek .....	11070103	57	Primary Contact Recreation
Deer Creek .....	11070103	51	Primary Contact Recreation
Drum Creek .....	11070103	34	Primary Contact Recreation
Dry Creek .....	11070103	37	Primary Contact Recreation
Fawn Creek .....	11070103	56	Primary Contact Recreation
Mud Creek .....	11070103	59	Primary Contact Recreation
Onion Creek .....	11070103	39	Primary Contact Recreation
Potato Creek .....	11070103	31	Primary Contact Recreation
Prior Creek .....	11070103	62	Primary Contact Recreation
Pumpkin Creek .....	11070103	28	Primary Contact Recreation
Richland Creek .....	11070103	49	Primary Contact Recreation
Rock Creek .....	11070103	58	Primary Contact Recreation
Rock Creek .....	11070103	61	Primary Contact Recreation
Snow Creek .....	11070103	25	Primary Contact Recreation
Spring Creek .....	11070103	55	Primary Contact Recreation
Sycamore Creek .....	11070103	52	Primary Contact Recreation
Wildcat Creek .....	11070103	60	Primary Contact Recreation

**Subbasin: Elk**

Bachelor Creek .....	11070104	25	Primary Contact Recreation
Bloody Run .....	11070104	26	Primary Contact Recreation
Bull Creek .....	11070104	33	Primary Contact Recreation
Card Creek .....	11070104	19	Primary Contact Recreation
Chetopa Creek .....	11070104	18	Primary Contact Recreation
Clear Creek .....	11070104	30	Primary Contact Recreation
Clear Creek .....	11070104	32	Primary Contact Recreation
Coffey Branch .....	11070104	20	Primary Contact Recreation
Duck Creek .....	11070104	3	Primary Contact Recreation
Elk River, Mound Branch .....	11070104	15	Primary Contact Recreation
Elk River, South Branch .....	11070104	38	Primary Contact Recreation
Elk River, Rowe Branch .....	11070104	39	Primary Contact Recreation
Elm Branch .....	11070104	23	Primary Contact Recreation
Hickory Creek .....	11070104	28	Primary Contact Recreation
Hitchen Creek .....	11070104	7	Primary Contact Recreation
Hitchen Creek, East .....	11070104	35	Primary Contact Recreation
Little Duck Creek .....	11070104	24	Primary Contact Recreation
Little Hitchen Creek .....	11070104	37	Primary Contact Recreation
Painterhood Creek .....	11070104	5	Primary Contact Recreation
Painterhood Creek, East .....	11070104	36	Primary Contact Recreation
Pan Creek .....	11070104	27	Primary Contact Recreation
Pawpaw Creek .....	11070104	11	Primary Contact Recreation
Racket Creek .....	11070104	21	Primary Contact Recreation

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Stream segment name	HUC8	Segment #	Designated use
Rock Creek .....	11070104	13	Primary Contact Recreation
Salt Creek .....	11070104	17	Primary Contact Recreation
Salt Creek, South .....	11070104	29	Primary Contact Recreation
Skull Creek .....	11070104	31	Primary Contact Recreation
Snake Creek .....	11070104	34	Primary Contact Recreation
Sycamore Creek .....	11070104	22	Primary Contact Recreation
Wildcat Creek .....	11070104	16	Primary Contact Recreation

**Subbasin: Caney**

Bachelor Creek .....	11070106	47	Primary Contact Recreation
Bee Creek .....	11070106	9	Primary Contact Recreation
California Creek .....	11070106	48	Primary Contact Recreation
Caney Creek .....	11070106	12	Primary Contact Recreation
Caney River, East Fork .....	11070106	52	Primary Contact Recreation
Caney Creek, North .....	11070106	11	Primary Contact Recreation
Cedar Creek .....	11070106	30	Primary Contact Recreation
Cedar Creek .....	11070106	32	Primary Contact Recreation
Cheyenne Creek .....	11070106	40	Primary Contact Recreation
Coon Creek .....	11070106	36	Primary Contact Recreation
Corum Creek .....	11070106	51	Primary Contact Recreation
Cotton Creek .....	11070106	38	Primary Contact Recreation
Cotton Creek, North Fork .....	11070106	37	Primary Contact Recreation
Dry Creek .....	11070106	29	Primary Contact Recreation
Fly Creek .....	11070106	46	Primary Contact Recreation
Illinois Creek .....	11070106	39	Primary Contact Recreation
Jim Creek .....	11070106	49	Primary Contact Recreation
Lake Creek .....	11070106	34	Primary Contact Recreation
Otter Creek .....	11070106	33	Primary Contact Recreation
Pool Creek .....	11070106	43	Primary Contact Recreation
Possum Trot Creek .....	11070106	74	Primary Contact Recreation
Rock Creek .....	11070106	28	Primary Contact Recreation
Spring Creek .....	11070106	44	Primary Contact Recreation
Spring Creek .....	11070106	53	Primary Contact Recreation
Squaw Creek .....	11070106	42	Primary Contact Recreation
Sycamore Creek .....	11070106	31	Primary Contact Recreation
Turkey Creek .....	11070106	45	Primary Contact Recreation
Union Creek .....	11070106	41	Primary Contact Recreation
Wolf Creek .....	11070106	35	Primary Contact Recreation
Wolf Creek .....	11070106	50	Primary Contact Recreation

**Basin: Walnut**

**Subbasin: Upper Walnut River**

Badger Creek .....	11030017	36	Primary Contact Recreation
Bemis Creek .....	11030017	8	Primary Contact Recreation
Cole Creek .....	11030017	15	Primary Contact Recreation
Constant Creek .....	11030017	41	Primary Contact Recreation
Dry Creek .....	11030017	27	Primary Contact Recreation
Dry Creek .....	11030017	32	Primary Contact Recreation
Durechen Creek .....	11030017	12	Primary Contact Recreation
Elm Creek .....	11030017	43	Primary Contact Recreation
Fourmile Creek .....	11030017	20	Primary Contact Recreation
Gilmore Branch .....	11030017	39	Primary Contact Recreation
Gypsum Creek .....	11030017	30	Primary Contact Recreation
Henry Creek .....	11030017	33	Primary Contact Recreation
Lower Branch .....	11030017	42	Primary Contact Recreation
Prairie Creek .....	11030017	35	Primary Contact Recreation
Rock Creek .....	11030017	37	Primary Contact Recreation
Sand Creek .....	11030017	29	Primary Contact Recreation
Satchel Creek .....	11030017	10	Primary Contact Recreation
School Branch .....	11030017	45	Primary Contact Recreation
Sutton Creek .....	11030017	40	Primary Contact Recreation
Walnut Creek .....	11030017	44	Primary Contact Recreation
Whitewater Creek .....	11030017	34	Primary Contact Recreation
Whitewater Creek, East Branch .....	11030017	31	Primary Contact Recreation
Whitewater River, East Branch .....	11030017	22	Primary Contact Recreation
Whitewater River, West Branch .....	11030017	24	Primary Contact Recreation
Whitewater River, West Branch .....	11030017	25	Primary Contact Recreation
Wildcat Creek .....	11030017	26	Primary Contact Recreation
Wildcat Creek, West .....	11030017	28	Primary Contact Recreation

**Subbasin: Lower Walnut River**

Black Crook Creek .....	11030018	18	Primary Contact Recreation
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Stream segment name	HUC8	Segment #	Designated use
Cedar Creek .....	11030018	19	Secondary Contact Recreation
Chigger Creek .....	11030018	21	Primary Contact Recreation
Crooked Creek .....	11030018	31	Primary Contact Recreation
Durham Creek .....	11030018	23	Primary Contact Recreation
Dutch Creek .....	11030018	2	Primary Contact Recreation
Dutch Creek .....	11030018	4	Primary Contact Recreation
Eightmile Creek .....	11030018	30	Primary Contact Recreation
Foos Creek .....	11030018	26	Primary Contact Recreation
Hickory Creek .....	11030018	12	Primary Contact Recreation
Honey Creek .....	11030018	33	Primary Contact Recreation
Little Dutch Creek .....	11030018	27	Primary Contact Recreation
Lower Dutch Creek .....	11030018	20	Primary Contact Recreation
Plum Creek .....	11030018	36	Primary Contact Recreation
Polecat Creek .....	11030018	17	Primary Contact Recreation
Posey Creek .....	11030018	37	Primary Contact Recreation
Richland Creek .....	11030018	25	Primary Contact Recreation
Rock Creek, North Branch .....	11030018	35	Primary Contact Recreation
Sanford Creek .....	11030018	29	Primary Contact Recreation
Spring Branch .....	11030018	32	Primary Contact Recreation
Stalter Branch .....	11030018	24	Primary Contact Recreation
Stewart Creek .....	11030018	28	Primary Contact Recreation
Swisher Branch .....	11030018	22	Primary Contact Recreation
<b>Total = 1186</b>			

Lake name	County	Designated use
<b>Basin: Cimarron</b>		
<b>Subbasin: Upper Cimarron (HUC 11040002)</b>		
Moss Lake East .....	MORTON .....	Primary Contact Recreation
Moss Lake West .....	MORTON .....	Primary Contact Recreation
<b>Subbasin: North Fork Cimarron (HUC 11040006)</b>		
Russell Lake .....	STEVENS .....	Primary Contact Recreation
<b>Subbasin: Upper Cimarron-Bluff (HUC 11040008)</b>		
Clark State Fishing Lake .....	CLARK .....	Primary Contact Recreation
Saint Jacob's Well .....	CLARK .....	Primary Contact Recreation
<b>Basin: Kansas/Lower Republican</b>		
<b>Subbasin: Middle Republican (HUC 10250016)</b>		
Lake Jewell .....	JEWELL .....	Primary Contact Recreation
<b>Subbasin: Lower Republican (HUC 10250017)</b>		
Belleville City Lake .....	REPUBLIC .....	Primary Contact Recreation
Wakefield Lake .....	CLAY .....	Primary Contact Recreation
<b>Subbasin: Middle Kansas (HUC 10270102)</b>		
Alma City Reservoir .....	WABAUNSEE .....	Primary Contact Recreation
Cedar Crest Pond .....	SHAWNEE .....	Primary Contact Recreation
Central Park Lake .....	SHAWNEE .....	Primary Contact Recreation
Gage Park Lake .....	SHAWNEE .....	Primary Contact Recreation
Jeffrey Energy Center Lakes .....	POTTAWATOMIE .....	Primary Contact Recreation
<b>Subbasin: Delaware (HUC 10270103)</b>		
Atchison County Park Lake .....	ATCHISON .....	Primary Contact Recreation
Little Lake .....	BROWN .....	Primary Contact Recreation
<b>Subbasin: Lower Kansas (HUC 10270104)</b>		
Douglas County State Lake .....	DOUGLAS .....	Primary Contact Recreation
Lenexa Lake .....	JOHNSON .....	Primary Contact Recreation
Mahaffie Farmstead Pond .....	JOHNSON .....	Primary Contact Recreation
Pierson Park Lake .....	WYANDOTTE .....	Primary Contact Recreation
Waterworks Lakes .....	JOHNSON .....	Primary Contact Recreation



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Lake name	County	Designated use
<b>Subbasin: Lower Big Blue (HUC 10270205)</b>		
Lake Idlewild .....	MARSHALL .....	Primary Contact Recreation
<b>Subbasin: Lower Little Blue (HUC 10270207)</b>		
Washington County State Fishing Lake .....	WASHINGTON .....	Primary Contact Recreation
<b>Basin: Lower Arkansas</b>		
<b>Subbasin: Rattlesnake (HUC 11030009)</b>		
Kiowa County State Fishing Lake .....	KIOWA .....	Primary Contact Recreation
<b>Subbasin: Cow (HUC 11030011)</b>		
Barton Lake .....	BARTON .....	Primary Contact Recreation
Sterling City Lake .....	RICE .....	Primary Contact Recreation
<b>Subbasin: Little Arkansas (HUC 11030012)</b>		
Dillon Park Lakes #1 .....	RENO .....	Primary Contact Recreation
Dillon Park Lake #2 .....	RENO .....	Primary Contact Recreation
Newton City Park Lake .....	HARVEY .....	Primary Contact Recreation
<b>Subbasin: Middle Arkansas-Slate (HUC 11030013)</b>		
Belaire Lake .....	SEDGWICK .....	Primary Contact Recreation
Buffalo Park Lake .....	SEDGWICK .....	Primary Contact Recreation
Emery Park .....	SEDGWICK .....	Primary Contact Recreation
Harrison Park Lake .....	SEDGWICK .....	Primary Contact Recreation
Riggs Park Lake .....	SEDGWICK .....	Primary Contact Recreation
<b>Subbasin: South Fork Ninnescah (HUC 11030015)</b>		
Lemon Park Lake .....	PRATT .....	Primary Contact Recreation
<b>Subbasin: Medicine Lodge (HUC 11060003)</b>		
Barber County State Fishing Lake .....	BARBER .....	Primary Contact Recreation
<b>Subbasin: Lower Salt Fork Arkansas (HUC 11060004)</b>		
Hargis Lake .....	BARBER .....	Primary Contact Recreation
<b>Basin: Marais Des Cygnes</b>		
<b>Subbasin: Upper Marais Des Cygnes (HUC 10290101)</b>		
Allen City Lake .....	LYON .....	Primary Contact Recreation
Cedar Creek Lake .....	ANDERSON .....	Primary Contact Recreation
Crystal Lake .....	ANDERSON .....	Primary Contact Recreation
Lyon County State Fishing Lake .....	LYON .....	Primary Contact Recreation
Osage City Reservoir .....	OSAGE .....	Primary Contact Recreation
Waterworks Impoundment .....	ANDERSON .....	Primary Contact Recreation
<b>Subbasin: Lower Marais Des Cygnes (HUC 10290102)</b>		
Edgerton City Lake .....	JOHNSON .....	Primary Contact Recreation
Edgerton South Lake .....	JOHNSON .....	Primary Contact Recreation
Lake LaCygne .....	LINN .....	Primary Contact Recreation
Louisburg State Fishing Lake .....	MIAMI .....	Primary Contact Recreation
Miami County State Fishing Lake .....	MIAMI .....	Primary Contact Recreation
Paola City Lake .....	MIAMI .....	Primary Contact Recreation
Pleasanton Lake #1 .....	LINN .....	Primary Contact Recreation
Pleasanton Lake #2 .....	LINN .....	Primary Contact Recreation
Spring Hill City Lake .....	JOHNSON .....	Primary Contact Recreation
<b>Subbasin: Marmaton (HUC 10290104)</b>		
Gunn Park Lake, East .....	BOURBON .....	Primary Contact Recreation
Gunn Park Lake, West .....	BOURBON .....	Primary Contact Recreation
Rock Creek Lake .....	BOURBON .....	Primary Contact Recreation

Lake name	County	Designated use
<b>Basin: Missouri</b>		
<b>Subbasin: South Fork Big Nemaha (HUC 10240007)</b>		
Pony Creek Lake .....	NEMAHA .....	Primary Contact Recreation
Sabetha City Lake .....	NEMAHA .....	Primary Contact Recreation
<b>Subbasin: Independence-Sugar (HUC 10240011)</b>		
Atchison City Lakes .....	ATCHISON .....	Primary Contact Recreation
Big Eleven Lake .....	WYANDOTTE .....	Primary Contact Recreation
Doniphan Fair Association Lake .....	DONIPHAN .....	Primary Contact Recreation
Jerrys Lake .....	LEAVENWORTH .....	Primary Contact Recreation
Lansing City Lake .....	LEAVENWORTH .....	Primary Contact Recreation
South Park Lake .....	LEAVENWORTH .....	Primary Contact Recreation
<b>Subbasin: Lower Missouri-Crooked (HUC 10300101)</b>		
Prairie View Park .....	JOHNSON .....	Primary Contact Recreation
South Park Lake .....	JOHNSON .....	Primary Contact Recreation
Stanley Rural Water District Lake #2 .....	JOHNSON .....	Primary Contact Recreation
Stohl Park Lake .....	JOHNSON .....	Primary Contact Recreation
<b>Basin: Neosho</b>		
<b>Subbasin: Lower Cottonwood (HUC 11070203)</b>		
Peter Pan Pond .....	LYON .....	Primary Contact Recreation
<b>Subbasin: Upper Neosho (HUC 11070204)</b>		
Chanute City (Santa Fe) Lake .....	NEOSHO .....	Primary Contact Recreation
Leonard's Lake .....	WOODSON .....	Primary Contact Recreation
<b>Subbasin: Middle Neosho (HUC 11070205)</b>		
Altamont City Lake #1 .....	LABETTE .....	Primary Contact Recreation
Bartlett City Lake .....	LABETTE .....	Primary Contact Recreation
Harmon Wildlife Area Lakes .....	LABETTE .....	Primary Contact Recreation
Mined Land Wildlife Area Lakes .....	CHEROKEE .....	Primary Contact Recreation
Timber Lake .....	NEOSHO .....	Primary Contact Recreation
<b>Subbasin: Spring (HUC 11070207)</b>		
Empire Lake .....	CHEROKEE .....	Primary Contact Recreation
Frontenac City Park .....	CRAWFORD .....	Primary Contact Recreation
Mined Land Wildlife Area Lakes .....	CRAWFORD .....	Primary Contact Recreation
Pittsburg College Lake .....	CRAWFORD .....	Primary Contact Recreation
Players Lake .....	CRAWFORD .....	Primary Contact Recreation
<b>Basin: Smoky Hill/Saline</b>		
<b>Subbasin: Lower Smoky Hill (HUC 10260008)</b>		
Herington City Park Lake .....	DICKINSON .....	Primary Contact Recreation
Herington Reservoir .....	DICKINSON .....	Primary Contact Recreation
<b>Basin: Solomon</b>		
<b>Subbasin: Lower North Fork Solomon (HUC 10260012)</b>		
Francis Wachs Wildlife Area Lakes .....	SMITH .....	Primary Contact Recreation
<b>Subbasin: Solomon River (HUC 10260015)</b>		
Jewell County State Fishing Lake .....	JEWELL .....	Primary Contact Recreation
Ottawa County State Fishing Lake .....	OTTAWA .....	Primary Contact Recreation
<b>Basin: Upper Arkansas</b>		
<b>Subbasin: Middle Arkansas-Lake McKinney (HUC 11030001)</b>		
Lake McKinney .....	KEARNY .....	Primary Contact Recreation
<b>Subbasin: Arkansas-Dodge City (HUC 11030003)</b>		
Lake Charles .....	FORD .....	Primary Contact Recreation

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Lake name	County	Designated use
<b>Subbasin: Pawnee (HUC 11030005)</b>		
Concannon State Fishing Lake .....	FINNEY .....	Primary Contact Recreation
Finney County Game Refuge Lakes .....	FINNEY .....	Primary Contact Recreation
<b>Subbasin: Buckner (HUC 11030006)</b>		
Ford County Lake .....	FORD .....	Primary Contact Recreation
Hain State Fishing Lake .....	FORD .....	Primary Contact Recreation
<b>Subbasin: Upper Walnut Creek (HUC 11030007)</b>		
Goodman State Fishing Lake .....	NESS .....	Primary Contact Recreation
<b>Subbasin: Lower Walnut Creek (HUC 11030008)</b>		
Memorial Park Lake .....	BARTON .....	Primary Contact Recreation
Stone Lake .....	BARTON .....	Primary Contact Recreation
<b>Basin: Verdigris</b>		
<b>Subbasin: Upper Verdigris (HUC 11070101)</b>		
Quarry Lake .....	WILSON .....	Primary Contact Recreation
Thayer New City Lake .....	NEOSHO .....	Primary Contact Recreation
<b>Subbasin: Middle Verdigris (HUC 11070103)</b>		
La Claire Lake .....	MONTGOMERY .....	Primary Contact Recreation
Pfister Park Lakes .....	MONTGOMERY .....	Primary Contact Recreation
<b>Subbasin: Caney (HUC 11070106)</b>		
Caney City Lake .....	CHAUTAUQUA .....	Primary Contact Recreation
<b>Basin: Walnut</b>		
<b>Subbasin: Lower Walnut River (HUC 11030018)</b>		
Butler County State Fishing Lake .....	BUTLER .....	Primary Contact Recreation
Winfield Park Lagoon .....	COWLEY .....	Primary Contact Recreation
<b>Total = 100</b>		

(c) Water quality standard variances.

(1) The Regional Administrator, EPA Region 7, is authorized to grant variances from the water quality standards in paragraphs (a) and (b) of this section where the requirements of this paragraph (c) are met. A water quality standard variance applies only to the permittee requesting the variance and only to the pollutant or pollutants specified in the variance; the underlying water quality standard otherwise remains in effect.

(2) A water quality standard variance shall not be granted if:

(i) Standards will be attained by implementing effluent limitations required under sections 301(b) and 306 of the CWA and by the permittee implementing reasonable best management practices for nonpoint source control; or

(ii) The variance would likely jeopardize the continued existence of any threatened or endangered species listed under section 4 of the Endangered Species Act or result in the destruction or adverse modification of such species' critical habitat.

(3) Subject to paragraph (c)(2) of this section, a water quality standards variance may be granted if the applicant demonstrates to EPA that attaining the water quality standard is not feasible because:

(i) Naturally occurring pollutant concentrations prevent the attainment of the use; or

(ii) Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges

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without violating State water conservation requirements to enable uses to be met; or

(iii) Human caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place; or

(iv) Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way which would result in the attainment of the use; or

(v) Physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like unrelated to water quality, preclude attainment of aquatic life protection uses; or

(vi) Controls more stringent than those required by sections 301(b) and 306 of the CWA would result in substantial and widespread economic and social impact.

(4) Procedures. An applicant for a water quality standards variance shall submit a request to the Regional Administrator of EPA Region 7. The application shall include all relevant information showing that the requirements for a variance have been satisfied. The burden is on the applicant to demonstrate to EPA's satisfaction that the designated use is unattainable for one of the reasons specified in paragraph (c)(3) of this section. If the Regional Administrator preliminarily determines that grounds exist for granting a variance, he shall provide public notice of the proposed variance and provide an opportunity for public comment. Any activities required as a condition of the Regional Administrator's granting of a variance shall be included as conditions of the NPDES permit for the applicant. These terms and conditions shall be incorporated into the applicant's NPDES permit through the permit reissuance process or through a modification of the permit pursuant to the applicable permit modification provisions of Kansas' NPDES program

(5) A variance may not exceed 3 years or the term of the NPDES permit, whichever is less. A variance may be

renewed if the applicant reapplies and demonstrates that the use in question is still not attainable. Renewal of the variance may be denied if the applicant did not comply with the conditions of the original variance, or otherwise does not meet the requirements of this section.

[68 FR 40442, July 7, 2003]

§ 131.35 Colville Confederated Tribes Indian Reservation.

The water quality standards applicable to the waters within the Colville Indian Reservation, located in the State of Washington.

(a) *Background.* (1) It is the purpose of these Federal water quality standards to prescribe minimum water quality requirements for the surface waters located within the exterior boundaries of the Colville Indian Reservation to ensure compliance with section 303(c) of the Clean Water Act.

(2) The Colville Confederated Tribes have a primary interest in the protection, control, conservation, and utilization of the water resources of the Colville Indian Reservation. Water quality standards have been enacted into tribal law by the Colville Business Council of the Confederated Tribes of the Colville Reservation, as the Colville Water Quality Standards Act, CTC Title 33 (Resolution No. 1984-526 (August 6, 1984) as amended by Resolution No. 1985-20 (January 18, 1985)).

(b) *Territory covered.* The provisions of these water quality standards shall apply to all surface waters within the exterior boundaries of the Colville Indian Reservation.

(c) *Applicability, Administration and Amendment.* (1) The water quality standards in this section shall be used by the Regional Administrator for establishing any water quality based National Pollutant Discharge Elimination System Permit (NPDES) for point sources on the Colville Confederated Tribes Reservation.

(2) In conjunction with the issuance of section 402 or section 404 permits, the Regional Administrator may designate mixing zones in the waters of the United States on the reservation on a case-by-case basis. The size of such mixing zones and the in-zone water quality in such mixing zones

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shall be consistent with the applicable procedures and guidelines in EPA's Water Quality Standards Handbook and the Technical Support Document for Water Quality Based Toxics Control.

(3) Amendments to the section at the request of the Tribe shall proceed in the following manner.

(i) The requested amendment shall first be duly approved by the Confederated Tribes of the Colville Reservation (and so certified by the Tribes Legal Counsel) and submitted to the Regional Administrator.

(ii) The requested amendment shall be reviewed by EPA (and by the State of Washington, if the action would affect a boundary water).

(iii) If deemed in compliance with the Clean Water Act, EPA will propose and promulgate an appropriate change to this section.

(4) Amendment of this section at EPA's initiative will follow consultation with the Tribe and other appropriate entities. Such amendments will then follow normal EPA rulemaking procedures.

(5) All other applicable provisions of this part 131 shall apply on the Colville Confederated Tribes Reservation. Special attention should be paid to §§ 131.6, 131.10, 131.11 and 131.20 for any amendment to these standards to be initiated by the Tribe.

(6) All numeric criteria contained in this section apply at all in-stream flow rates greater than or equal to the flow rate calculated as the minimum 7-consecutive day average flow with a recurrence frequency of once in ten years (7Q10); narrative criteria (§131.35(e)(3)) apply regardless of flow. The 7Q10 low flow shall be calculated using methods recommended by the U.S. Geological Survey.

(d) *Definitions.* (1) *Acute toxicity* means a deleterious response (e.g., mortality, disorientation, immobilization) to a stimulus observed in 96 hours or less.

(2) *Background conditions* means the biological, chemical, and physical conditions of a water body, upstream from the point or non-point source discharge under consideration. Background sampling location in an enforcement action will be upstream from the point of

discharge, but not upstream from other inflows. If several discharges to any water body exist, and an enforcement action is being taken for possible violations to the standards, background sampling will be undertaken immediately upstream from each discharge.

(3) *Ceremonial and Religious water use* means activities involving traditional Native American spiritual practices which involve, among other things, primary (direct) contact with water.

(4) *Chronic toxicity* means the lowest concentration of a constituent causing observable effects (i.e., considering lethality, growth, reduced reproduction, etc.) over a relatively long period of time, usually a 28-day test period for small fish test species.

(5) *Council or Tribal Council* means the Colville Business Council of the Colville Confederated Tribes.

(6) *Geometric mean* means the *n*th root of a product of *n* factors.

(7) *Mean retention time* means the time obtained by dividing a reservoir's mean annual minimum total storage by the non-zero 30-day, ten-year low-flow from the reservoir.

(8) *Mixing zone or dilution zone* means a limited area or volume of water where initial dilution of a discharge takes place; and where numeric water quality criteria can be exceeded but acutely toxic conditions are prevented from occurring.

(9) *pH* means the negative logarithm of the hydrogen ion concentration.

(10) *Primary contact recreation* means activities where a person would have direct contact with water to the point of complete submergence, including but not limited to skin diving, swimming, and water skiing.

(11) *Regional Administrator* means the Administrator of EPA's Region X.

(12) *Reservation* means all land within the limits of the Colville Indian Reservation, established on July 2, 1872 by Executive Order, presently containing 1,389,000 acres more or less, and under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation.

(13) *Secondary contact recreation* means activities where a person's water contact would be limited to the

extent that bacterial infections of eyes, ears, respiratory, or digestive systems or urogenital areas would normally be avoided (such as wading or fishing).

(14) *Surface water* means all water above the surface of the ground within the exterior boundaries of the Colville Indian Reservation including but not limited to lakes, ponds, reservoirs, artificial impoundments, streams, rivers, springs, seeps and wetlands.

(15) *Temperature* means water temperature expressed in Centigrade degrees (C).

(16) *Total dissolved solids (TDS)* means the total filterable residue that passes through a standard glass fiber filter disk and remains after evaporation and drying to a constant weight at 180 degrees C. it is considered to be a measure of the dissolved salt content of the water.

(17) *Toxicity* means acute and/or chronic toxicity.

(18) *Tribe* or *Tribes* means the Colville Confederated Tribes.

(19) *Turbidity* means the clarity of water expressed as nephelometric turbidity units (NTU) and measured with a calibrated turbidimeter.

(20) *Wildlife habitat* means the waters and surrounding land areas of the Reservation used by fish, other aquatic life and wildlife at any stage of their life history or activity.

(e) *General considerations.* The following general guidelines shall apply to the water quality standards and classifications set forth in the use designation Sections.

(1) *Classification boundaries.* At the boundary between waters of different classifications, the water quality standards for the higher classification shall prevail.

(2) *Antidegradation policy.* This antidegradation policy shall be applicable to all surface waters of the Reservation.

(i) Existing in-stream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.

(ii) Where the quality of the waters exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the Regional Adminis-

trator finds, after full satisfaction of the inter-governmental coordination and public participation provisions of the Tribes' continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such degradation or lower water quality, the Regional Administrator shall assure water quality adequate to protect existing uses fully. Further, the Regional Administrator shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and all cost-effective and reasonable best management practices for nonpoint source control.

(iii) Where high quality waters are identified as constituting an outstanding national or reservation resource, such as waters within areas designated as unique water quality management areas and waters otherwise of exceptional recreational or ecological significance, and are designated as special resource waters, that water quality shall be maintained and protected.

(iv) In those cases where potential water quality impairment associated with a thermal discharge is involved, this antidegradation policy's implementing method shall be consistent with section 316 of the Clean Water Act.

(3) *Aesthetic qualities.* All waters within the Reservation, including those within mixing zones, shall be free from substances, attributable to wastewater discharges or other pollutant sources, that:

(i) Settle to form objectionable deposits;

(ii) Float as debris, scum, oil, or other matter forming nuisances;

(iii) Produce objectionable color, odor, taste, or turbidity;

(iv) Cause injury to, are toxic to, or produce adverse physiological responses in humans, animals, or plants; or

(v) produce undesirable or nuisance aquatic life.

(4) *Analytical methods.* (i) The analytical testing methods used to measure or otherwise evaluate compliance with

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water quality standards shall to the extent practicable, be in accordance with the "Guidelines Establishing Test Procedures for the Analysis of Pollutants" (40 CFR part 136). When a testing method is not available for a particular substance, the most recent edition of "Standard Methods for the Examination of Water and Wastewater" (published by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation) and other or superseding methods published and/or approved by EPA shall be used.

(f) *General water use and criteria classes.* The following criteria shall apply to the various classes of surface waters on the Colville Indian Reservation:

(1) *Class I (Extraordinary)*—(i) *Designated uses.* The designated uses include, but are not limited to, the following:

(A) Water supply (domestic, industrial, agricultural).

(B) Stock watering.

(C) Fish and shellfish: Salmonid migration, rearing, spawning, and harvesting; other fish migration, rearing, spawning, and harvesting.

(D) Wildlife habitat.

(E) Ceremonial and religious water use.

(F) Recreation (primary contact recreation, sport fishing, boating and aesthetic enjoyment).

(G) Commerce and navigation.

(ii) *Water quality criteria.* (A) *Bacteriological Criteria.* The geometric mean of the enterococci bacteria densities in samples taken over a 30 day period shall not exceed 8 per 100 milliliters, nor shall any single sample exceed an enterococci density of 35 per 100 milliliters. These limits are calculated as the geometric mean of the collected samples approximately equally spaced over a thirty day period.

(B) *Dissolved oxygen*—The dissolved oxygen shall exceed 9.5 mg/l.

(C) *Total dissolved gas*—concentrations shall not exceed 110 percent of the saturation value for gases at the existing atmospheric and hydrostatic pressures at any point of sample collection.

(D) *Temperature*—shall not exceed 16.0 degrees C due to human activities.

Temperature increases shall not, at any time, exceed  $t=23/(T+5)$ .

(1) When natural conditions exceed 16.0 degrees C, no temperature increase will be allowed which will raise the receiving water by greater than 0.3 degrees C.

(2) For purposes hereof, "t" represents the permissive temperature change across the dilution zone; and "T" represents the highest existing temperature in this water classification outside of any dilution zone.

(3) Provided that temperature increase resulting from nonpoint source activities shall not exceed 2.8 degrees C, and the maximum water temperature shall not exceed 10.3 degrees C.

(E) pH shall be within the range of 6.5 to 8.5 with a human-caused variation of less than 0.2 units.

(F) Turbidity shall not exceed 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU.

(G) Toxic, radioactive, nonconventional, or deleterious material concentrations shall be less than those of public health significance, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect designated water uses.

(2) *Class II (Excellent)*—(i) *Designated uses.* The designated uses include but are not limited to, the following:

(A) Water supply (domestic, industrial, agricultural).

(B) Stock watering.

(C) Fish and shellfish: Salmonid migration, rearing, spawning, and harvesting; other fish migration, rearing, spawning, and harvesting; crayfish rearing, spawning, and harvesting.

(D) Wildlife habitat.

(E) Ceremonial and religious water use.

(F) Recreation (primary contact recreation, sport fishing, boating and aesthetic enjoyment).

(G) Commerce and navigation.

(ii) *Water quality criteria.* (A) *Bacteriological Criteria*—The geometric mean of the enterococci bacteria densities in samples taken over a 30 day period shall not exceed 16/100 ml, nor shall any single sample exceed an

enterococci density of 75 per 100 milliliters. These limits are calculated as the geometric mean of the collected samples approximately equally spaced over a thirty day period.

(B) Dissolved oxygen—The dissolved oxygen shall exceed 8.0 mg/l.

(C) Total dissolved gas—concentrations shall not exceed 110 percent of the saturation value for gases at the existing atmospheric and hydrostatic pressures at any point of sample collection.

(D) Temperature—shall not exceed 18.0 degrees C due to human activities. Temperature increases shall not, at any time, exceed  $t=28/(T+7)$ .

(I) When natural conditions exceed 18 degrees C no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3 degrees C.

(2) For purposes hereof, “t” represents the permissive temperature change across the dilution zone; and “T” represents the highest existing temperature in this water classification outside of any dilution zone.

(3) Provided that temperature increase resulting from non-point source activities shall not exceed 2.8 degrees C, and the maximum water temperature shall not exceed 18.3 degrees C.

(E) pH shall be within the range of 6.5 to 8.5 with a human-caused variation of less than 0.5 units.

(F) Turbidity shall not exceed 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU.

(G) Toxic, radioactive, nonconventional, or deleterious material concentrations shall be less than those of public health significance, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect designated water uses.

(3) *Class III (Good)*—(i) *Designated uses*. The designated uses include but are not limited to, the following:

(A) Water supply (industrial, agricultural).

(B) Stock watering.

(C) Fish and shellfish: Salmonid migration, rearing, spawning, and harvesting; other fish migration, rearing,

spawning, and harvesting; crayfish rearing, spawning, and harvesting.

(D) Wildlife habitat.

(E) Recreation (secondary contact recreation, sport fishing, boating and aesthetic enjoyment).

(F) Commerce and navigation.

(ii) *Water quality criteria*. (A) *Bacteriological Criteria*—The geometric mean of the enterococci bacteria densities in samples taken over a 30 day period shall not exceed 33/100 ml, nor shall any single sample exceed an enterococci density of 150 per 100 milliliters. These limits are calculated as the geometric mean of the collected samples approximately equally spaced over a thirty day period.

(B) Dissolved oxygen.

	Early life stages <sup>1,2</sup>	Other life stages
7 day mean .....	9.5 (6.5)	<sup>3</sup> NA
1 day minimum <sup>4</sup> .....	8.0 (5.0)	6.5

<sup>1</sup>These are water column concentrations recommended to achieve the required intergravel dissolved oxygen concentrations shown in parentheses. The 3 mg/L differential is discussed in the dissolved oxygen criteria document (EPA 440/5-86-003, April 1986). For species that have early life stages exposed directly to the water column, the figures in parentheses apply.

<sup>2</sup>Includes all embryonic and larval stages and all juvenile forms to 30-days following hatching.

<sup>3</sup>NA (not applicable)

<sup>4</sup>All minima should be considered as instantaneous concentrations to be achieved at all times.

(C) Total dissolved gas concentrations shall not exceed 110 percent of the saturation value for gases at the existing atmospheric and hydrostatic pressures at any point of sample collection.

(D) Temperature shall not exceed 21.0 degrees C due to human activities. Temperature increases shall not, at any time, exceed  $t=34/(T+9)$ .

(I) When natural conditions exceed 21.0 degrees C no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3 degrees C.

(2) For purposes hereof, “t” represents the permissive temperature change across the dilution zone; and “T” represents the highest existing temperature in this water classification outside of any dilution zone.

(3) Provided that temperature increase resulting from nonpoint source activities shall not exceed 2.8 degrees C, and the maximum water temperature shall not exceed 21.3 degrees C.



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(E) pH shall be within the range of 6.5 to 8.5 with a human-caused variation of less than 0.5 units.

(F) Turbidity shall not exceed 10 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 20 percent increase in turbidity when the background turbidity is more than 50 NTU.

(G) Toxic, radioactive, nonconventional, or deleterious material concentrations shall be less than those of public health significance, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect designated water uses.

(4) *Class IV (Fair)—(i) Designated uses.* The designated uses include but are not limited to, the following:

- (A) Water supply (industrial).
- (B) Stock watering.
- (C) Fish (salmonid and other fish migration).
- (D) Recreation (secondary contact recreation, sport fishing, boating and aesthetic enjoyment).
- (E) Commerce and navigation.

(ii) *Water quality criteria.* (A) Dissolved oxygen.

	During periods of salmonid and other fish migration	During all other time periods
30 day mean .....	6.5	5.5
7 day mean .....	<sup>1</sup> NA	<sup>1</sup> NA
7 day mean minimum .....	5.0	4.0
1 day minimum <sup>2</sup> .....	4.0	3.0

<sup>1</sup> NA (not applicable).  
<sup>2</sup> All minima should be considered as instantaneous concentrations to be achieved at all times.

(B) Total dissolved gas—concentrations shall not exceed 110 percent of the saturation value for gases at the existing atmospheric and hydrostatic pressures at any point of sample collection.

(C) Temperature shall not exceed 22.0 degrees C due to human activities. Temperature increases shall not, at any time, exceed  $t=20/(T+2)$ .

(f) When natural conditions exceed 22.0 degrees C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3 degrees C.

(2) For purposes hereof, “t” represents the permissive temperature change across the dilution zone; and

“T” represents the highest existing temperature in this water classification outside of any dilution zone.

(D) pH shall be within the range of 6.5 to 9.0 with a human-caused variation of less than 0.5 units.

(E) Turbidity shall not exceed 10 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 20 percent increase in turbidity when the background turbidity is more than 50 NTU.

(F) Toxic, radioactive, nonconventional, or deleterious material concentrations shall be less than those of public health significance, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect designated water uses.

(5) *Lake Class—(i) Designated uses.* The designated uses include but are not limited to, the following:

- (A) Water supply (domestic, industrial, agricultural).
- (B) Stock watering.
- (C) Fish and shellfish: Salmonid migration, rearing, spawning, and harvesting; other fish migration, rearing, spawning, and harvesting; crayfish rearing, spawning, and harvesting.
- (D) Wildlife habitat.
- (E) Ceremonial and religious water use.
- (F) Recreation (primary contact recreation, sport fishing, boating and aesthetic enjoyment).
- (G) Commerce and navigation.

(ii) *Water quality criteria.* (A) Bacteriological Criteria. The geometric mean of the enterococci bacteria densities in samples taken over a 30 day period shall not exceed 33/100 ml, nor shall any single sample exceed an enterococci density of 150 per 100 milliliters. These limits are calculated as the geometric mean of the collected samples approximately equally spaced over a thirty day period.

(B) Dissolved oxygen—no measurable decrease from natural conditions.

(C) Total dissolved gas concentrations shall not exceed 110 percent of the saturation value for gases at the existing atmospheric and hydrostatic pressures at any point of sample collection.

(D) Temperature—no measurable change from natural conditions.

(E) pH—no measurable change from natural conditions.

(F) Turbidity shall not exceed 5 NTU over natural conditions.

(G) Toxic, radioactive, nonconventional, or deleterious material concentrations shall be less than those which may affect public health, the natural aquatic environment, or the desirability of the water for any use.

(6) *Special Resource Water Class (SRW)*—(i) *General characteristics.* These are fresh or saline waters which comprise a special and unique resource to the Reservation. Water quality of this class will be varied and unique as determined by the Regional Administrator in cooperation with the Tribes.

(ii) *Designated uses.* The designated uses include, but are not limited to, the following:

(A) Wildlife habitat.

(B) Natural foodchain maintenance.

(iii) Water quality criteria.

(A) Enterococci bacteria densities shall not exceed natural conditions.

(B) Dissolved oxygen—shall not show any measurable decrease from natural conditions.

(C) Total dissolved gas shall not vary from natural conditions.

(D) Temperature—shall not show any measurable change from natural conditions.

(E) pH shall not show any measurable change from natural conditions.

(F) Settleable solids shall not show any change from natural conditions.

(G) Turbidity shall not exceed 5 NTU over natural conditions.

(H) Toxic, radioactive, or deleterious material concentrations shall not exceed those found under natural conditions.

(g) *General classifications.* General classifications applying to various surface waterbodies not specifically classified under § 131.35(h) are as follows:

(1) All surface waters that are tributaries to Class I waters are classified Class I, unless otherwise classified.

(2) Except for those specifically classified otherwise, all lakes with existing average concentrations less than 2000 mg/L TDS and their feeder streams on the Colville Indian Reservation are classified as Lake Class and Class I, respectively.

(3) All lakes on the Colville Indian Reservation with existing average concentrations of TDS equal to or exceeding 2000 mg/L and their feeder streams are classified as Lake Class and Class I respectively unless specifically classified otherwise.

(4) All reservoirs with a mean detention time of greater than 15 days are classified Lake Class.

(5) All reservoirs with a mean detention time of 15 days or less are classified the same as the river section in which they are located.

(6) All reservoirs established on pre-existing lakes are classified as Lake Class.

(7) All wetlands are assigned to the Special Resource Water Class.

(8) All other waters not specifically assigned to a classification of the reservation are classified as Class II.

(h) *Specific classifications.* Specific classifications for surface waters of the Colville Indian Reservation are as follows:

(1) Streams:	
Alice Creek .....	Class III
Anderson Creek .....	Class III
Armstrong Creek .....	Class III
Barnaby Creek .....	Class II
Bear Creek .....	Class III
Beaver Dam Creek .....	Class II
Bridge Creek .....	Class II
Brush Creek .....	Class III
Buckhorn Creek .....	Class III
Cache Creek .....	Class III
Canteen Creek .....	Class I
Capoose Creek .....	Class III
Cobbs Creek .....	Class III
Columbia River from Chief Joseph Dam to Wells Dam.	
Columbia River from northern Reservation boundary to Grand Coulee Dam (Roosevelt Lake).	
Columbia River from Grand Coulee Dam to Chief Joseph Dam.	
Cook Creek .....	Class I
Cooper Creek .....	Class III
Cornstalk Creek .....	Class III
Cougar Creek .....	Class I
Coyote Creek .....	Class II
Deerhorn Creek .....	Class III
Dick Creek .....	Class III
Dry Creek .....	Class I
Empire Creek .....	Class III
Faye Creek .....	Class I
Forty Mile Creek .....	Class III
Gibson Creek .....	Class I
Gold Creek .....	Class II
Granite Creek .....	Class III
Grizzly Creek .....	Class III
Haley Creek .....	Class III
Hall Creek .....	Class II
Hall Creek, West Fork .....	Class I
Iron Creek .....	Class III
Jack Creek .....	Class III

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Jerred Creek .....	Class I
Joe Moses Creek .....	Class III
John Tom Creek .....	Class III
Jones Creek .....	Class I
Kartar Creek .....	Class III
Kincaid Creek .....	Class III
King Creek .....	Class III
Klondyke Creek .....	Class I
Lime Creek .....	Class III
Little Jim Creek .....	Class III
Little Nespelem .....	Class II
Louie Creek .....	Class III
Lynx Creek .....	Class II
Manila Creek .....	Class III
McAllister Creek .....	Class III
Meadow Creek .....	Class III
Mill Creek .....	Class II
Mission Creek .....	Class III
Nespelem River .....	Class II
Nez Perce Creek .....	Class III
Nine Mile Creek .....	Class II
Nineteen Mile Creek .....	Class III
No Name Creek .....	Class II
North Nanamkin Creek .....	Class III
North Star Creek .....	Class III
Okanogan River from Reserva- tion north boundary to Colum- bia River.	Class II
Olds Creek .....	Class I
Omak Creek .....	Class II
Onion Creek .....	Class II
Parmenter Creek .....	Class III
Peel Creek .....	Class III
Peter Dan Creek .....	Class III
Rock Creek .....	Class I
San Poil River .....	Class I
Sanpoil, River West Fork .....	Class II
Seventeen Mile Creek .....	Class III
Silver Creek .....	Class III
Sitdown Creek .....	Class III
Six Mile Creek .....	Class III
South Nanamkin Creek .....	Class III
Spring Creek .....	Class III
Stapaloop Creek .....	Class III
Stepstone Creek .....	Class III
Stranger Creek .....	Class II
Strawberry Creek .....	Class III
Swimptkin Creek .....	Class III
Three Forks Creek .....	Class I
Three Mile Creek .....	Class III
Thirteen Mile Creek .....	Class II
Thirty Mile Creek .....	Class II
Trail Creek .....	Class III

Twentyfive Mile Creek .....	Class III
Twentyone Mile Creek .....	Class III
Twentythree Mile Creek .....	Class III
Wannacot Creek .....	Class III
Wells Creek .....	Class I
Whitelaw Creek .....	Class III
Wilmont Creek .....	Class II
(2) Lakes:	
Apex Lake .....	LC
Big Goose Lake .....	LC
Bourgeau Lake .....	LC
Buffalo Lake .....	LC
Cody Lake .....	LC
Crawfish Lakes .....	LC
Camille Lake .....	LC
Elbow Lake .....	LC
Fish Lake .....	LC
Gold Lake .....	LC
Great Western Lake .....	LC
Johnson Lake .....	LC
LaFleur Lake .....	LC
Little Goose Lake .....	LC
Little Owhi Lake .....	LC
McGinnis Lake .....	LC
Nicholas Lake .....	LC
Omak Lake .....	SRW
Owhi Lake .....	SRW
Penley Lake .....	SRW
Rebecca Lake .....	LC
Round Lake .....	LC
Simpson Lake .....	LC
Soap Lake .....	LC
Sugar Lake .....	LC
Summit Lake .....	LC
Twin Lakes .....	SRW

[54 FR 28625, July 6, 1989]

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

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

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

A		B Freshwater		C Saltwater		D Human Health (10 <sup>-6</sup> risk for carcinogens) For consumption of:		
(#) Compound	CAS Number	Criterion Maximum Conc. <sup>d</sup> (µg/L) (B1)	Criterion Continuous Conc. <sup>d</sup> (µg/L) (B2)	Criterion Maximum Conc. <sup>d</sup> (µg/L) (C1)	Criterion Continuous Conc. <sup>d</sup> (µg/L) (C2)	Water & Organisms (µg/L) (D1)	Organisms Only (µg/L) (D2)	
		1	Antimony .....	7440360	.....	.....	.....	14 a
2	Arsenic .....	7440382	360 m	190 m	69 m	36 m	0.018 abc	0.14 abc
3	Beryllium .....	7440417	.....	.....	.....	.....	n	n
4	Cadmium .....	7440439	3.7 e	1.0 e	42 m	9.3 m	n	n
5a	Chromium (III) .....	16065831	550 e	180 e	.....	.....	n	n
b	Chromium (VI) .....	18540299	15 m	10 m	1100 m	50 m	n	n
6	Copper .....	7440508	17 e	11 e	2.4 m	2.4 m	n	n
7	Lead .....	7439921	65 e	2.5 e	210 m	8.1 m	n	n
8	Mercury .....	7439976	2.1 m	0.012 ip	1.8 m	0.025 ip	0.14	0.15
9	Nickel .....	7440020	1400 e	160 e	74 m	8.2 m	610 a	4600 a
10	Selenium .....	7782492	20 p	5 p	290 m	71 m	n	n
11	Silver .....	7440224	3.4 e	.....	1.9 m	.....	.....	.....
12	Thallium .....	7440280	.....	.....	.....	.....	1.7 a	6.3 a
13	Zinc .....	7440666	110 e	100 e	90 m	81 m	700 a	220000 aj
14	Cyanide .....	57125	22	5.2	1	1	7,000,000 fibers/L k	0.00000013 c
15	Asbestos .....	1332214	.....	.....	.....	.....	0.00000013 c	0.00000014 c
16	2,3,7,8-TCDD (Dioxin) .....	1746016	.....	.....	.....	.....	320	780
17	Acrolein .....	107028	.....	.....	.....	.....	0.059 ac	0.66 ac
18	Acrylonitrile .....	107131	.....	.....	.....	.....	1.2 ac	71 ac
19	Benzene .....	71432	.....	.....	.....	.....	4.3 ac	360 ac
20	Bromoform .....	75252	.....	.....	.....	.....	0.25 ac	4.4 ac
21	Carbon Tetrachloride .....	56235	.....	.....	.....	.....	680 a	21000 aj
22	Chlorobenzene .....	108907	.....	.....	.....	.....	0.41 ac	34 ac
23	Chlorodibromomethane .....	124481	.....	.....	.....	.....	.....	.....
24	Chloroethane .....	75003	.....	.....	.....	.....	.....	.....
25	2-Chloroethylvinyl Ether .....	110758	.....	.....	.....	.....	.....	.....
26	Chloroform .....	67663	.....	.....	.....	.....	5.7 ac	470 ac
27	Dichlorobromomethane .....	75274	.....	.....	.....	.....	0.27 ac	22 ac
28	1,1-Dichloroethane .....	75343	.....	.....	.....	.....	.....	.....
29	1,2-Dichloroethane .....	107062	.....	.....	.....	.....	0.38 ac	99 ac
30	1,1-Dichloroethylene .....	75354	.....	.....	.....	.....	0.057 ac	3.2 ac
31	1,2-Dichloropropane .....	78875	.....	.....	.....	.....	.....	.....
32	1,3-Dichloropropylene .....	542756	.....	.....	.....	.....	10 a	1700 a
33	Ethylbenzene .....	100414	.....	.....	.....	.....	3100 a	29000 a
34	Methyl Bromide .....	74839	.....	.....	.....	.....	48 a	4000 a
35	Methyl Chloride .....	74873	.....	.....	.....	.....	n	n
36	Methylene Chloride .....	75092	.....	.....	.....	.....	4.7 ac	1600 ac
37	1,1,2,2-Tetrachloroethane .....	79345	.....	.....	.....	.....	0.17 ac	11 ac
38	Tetrachloroethylene .....	127184	.....	.....	.....	.....	0.8 c	8.85 c
39	Toluene .....	108883	.....	.....	.....	.....	6800 a	200000 a

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40	1,2-Trans-Dichloroethylene	156605								
41	1,1,1-Trichloroethane	71556							n	n
42	1,1,2-Trichloroethane	79005						0.60 ac	42 ac	81 c
43	Trichloroethylene	79016						2.7 c	81 c	525 c
44	Vinyl Chloride	75014						2 c		
45	2-Chlorophenol	95578								
46	2,4-Dichlorophenol	120832						93 a	790 aj	
47	2,4-Dimethylphenol	105679								
48	2-Methyl-4,6-Dinitrophenol	534521						13.4	765	
49	2,4-Dinitrophenol	51285						70 a	14000 a	
50	2-Nitrophenol	88755								
51	4-Nitrophenol	100027								
52	3-Methyl-4-Chlorophenol	59507								
53	Pentachlorophenol	87865	20 f	13 f	13	7.9		0.28 ac	8.2 acj	
54	Phenol	108952						21000 a	460000 aj	
55	2,4,6-Trichlorophenol	88062						2.1 ac	6.5 ac	
56	Acenaphthene	83329								
57	Acenaphthylene	208968								
58	Anthracene	120127						9600 a	110000 a	
59	Benzdine	92875						0.00012 ac	0.00054 ac	
60	Benzo(a)Anthracene	56553						0.0028 c	0.031 c	
61	Benzo(a)Pyrene	50328						0.0028 c	0.031 c	
62	Benzo(b)Fluoranthene	205992						0.0028 c	0.031 c	
63	Benzo(ghi)Perylene	191242								
64	Benzo(k)Fluoranthene	207089						0.0028 c	0.031 c	
65	Bis(2-Chloroethoxy)Methane	111911								
66	Bis(2-Chloroethyl)Ether	111444						0.031 ac	1.4 ac	
67	Bis(2-Chloroisopropyl)Ether	108601						1400 a	170000 a	
68	Bis(2-Ethylhexyl)Phthalate	117817						1.8 ac	5.9 ac	
69	4-Bromophenyl Phenyl Ether	101553								
70	Butylbenzyl Phthalate	85687								
71	2-Chloronaphthalene	91587								
72	4-Chlorophenyl Phenyl Ether	7005723								
73	Chrysene	218019						0.0028 c	0.031 c	
74	Dibenzo(ah)Anthracene	53703						0.0028 c	0.031 c	
75	1,2-Dichlorobenzene	95501						2700 a	17000 a	
76	1,3-Dichlorobenzene	541731						400	2600	
77	1,4-Dichlorobenzene	106467						400	2600	
78	3,3'-Dichlorobenzidine	91941						0.04 ac	0.077 ac	
79	Diethyl Phthalate	84662						23000 a	120000 a	
80	Dimethyl Phthalate	131113						313000	2900000	
81	Di-n-Butyl Phthalate	84742						2700 a	12000 a	
82	2,4-Dinitrotoluene	121142						0.11 c	9.1 c	
83	2,6-Dinitrotoluene	606202								
84	Di-n-Octyl Phthalate	117840								
85	1,2-Diphenylhydrazine	122667						0.040 ac	0.54 ac	
86	Fluoranthene	206440						300 a	370 a	
87	Fluorene	86737						1300 a	14000 a	
88	Hexachlorobenzene	118741						0.00075 ac	0.00077 ac	
89	Hexachlorobutadiene	87683						0.44 ac	50 ac	

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A		B Freshwater		C Saltwater		D Human Health (10 <sup>-6</sup> risk for carcinogens) For consumption of:	
(#) Compound	CAS Number	Criterion Maximum Conc. <sup>d</sup> (µg/L) (B1)	Criterion Continuous Conc. <sup>d</sup> (µg/L) (B2)	Criterion Maximum Conc. <sup>d</sup> (µg/L) (C1)	Criterion Continuous Conc. <sup>d</sup> (µg/L) (C2)	Water & Organisms (µg/L) (D1)	Organisms Only (µg/L) (D2)
		90	Hexachlorocyclopentadiene .....	77474			
91	Hexachloroethane .....	67721				1.9 ac	8.9 ac
92	Indeno(1,2,3-cd)Pyrene .....	193395				0.0028 c	0.031 c
93	Isophorone .....	78591				8.4 ac	600 ac
94	Naphthalene .....	91203					
95	Nitrobenzene .....	98953				17 a	1900 aj
96	N-Nitrosodimethylamine .....	62759				0.00069 ac	8.1 ac
97	N-Nitrosodi-n-Propylamine .....	621647					
98	N-Nitrosodiphenylamine .....	86306				5.0 ac	16 ac
99	Phenanthrene .....	85018					
100	Pyrene .....	129000				960 a	11000 a
101	1,2,4-Trichlorobenzene .....	120821					
102	Aldrin .....	309002	3 g		1.3 g	0.00013 ac	0.00014 ac
103	alpha-BHC .....	319846				0.0039 ac	0.013 ac
104	beta-BHC .....	319857				0.014 ac	0.046 ac
105	gamma-BHC .....	58899	2 g	0.08 g	0.16 g	0.019 c	0.063 c
106	delta-BHC .....	319868					
107	Chlordane .....	57749	2.4 g	0.0043 g	0.09 g	0.00057 ac	0.00059 ac
108	4,4'-DDT .....	50293	1.1 g	0.001 g	0.13 g	0.00059 ac	0.00059 ac
109	4,4'-DDE .....	72559				0.00059 ac	0.00059 ac
110	4,4'-DDD .....	72548				0.00083 ac	0.00084 ac
111	Dieldrin .....	60571	2.5 g	0.0019 g	0.71 g	0.00014 ac	0.00014 ac
112	alpha-Endosulfan .....	959988	0.22 g	0.056 g	0.034 g	0.0087 g	0.93 a
113	beta-Endosulfan .....	33213659	0.22 g	0.056 g	0.034 g	0.0087 g	0.93 a
114	Endosulfan Sulfate .....	1031078				0.93 a	2.0 a
115	Endrin .....	72208	0.18 g	0.0023 g	0.037 g	0.0023 g	0.76 a
116	Endrin Aldehyde .....	7421934				0.76 a	0.81 aj
117	Heptachlor .....	76448	0.52 g	0.0038 g	0.053 g	0.0036 g	0.00021 ac
118	Heptachlor Epoxide .....	1024573	0.52 g	0.0038 g	0.053 g	0.0036 g	0.00010 ac
119	PCB-1242 .....	53469219				0.014 g	0.03 g
120	PCB-1254 .....	11097691				0.014 g	0.03 g
121	PCB-1221 .....	11104282				0.014 g	0.03 g
122	PCB-1232 .....	11141165				0.014 g	0.03 g
123	PCB-1248 .....	12672296				0.014 g	0.03 g
124	PCB-1260 .....	11096825				0.014 g	0.03 g
125a	PCB-1016 .....	12674112				0.014 g	0.03 g
125b	Polychlorinated biphenyls (PCBs) .....						
126	Toxaphene .....	8001352	0.73	0.0002	0.21	0.0002	0.00017 q
	Total Number of Criteria (h) = .....		24	29	23	27	85
							0.00075 ac
							84

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### FOOTNOTES

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

b. The criteria refers to the inorganic form only.

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

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

e. Freshwater aquatic life criteria for these metals are expressed as a function of total hardness (mg/L as  $\text{CaCO}_3$ ), the pollutant's water effect ratio (WER) as defined in § 131.36(c) and multiplied by an appropriate dissolved conversion factor as defined in § 131.36(b)(2). For comparative purposes, the values displayed in this matrix are shown as dissolved metal and correspond to a total hardness of 100 mg/L and a water effect ratio of 1.0.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

p. Criterion expressed as total recoverable.

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

### GENERAL NOTES

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

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

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

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

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

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

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

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

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

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

Note to table: The term "exp" represents the base e exponential function.  
 Footnotes to table:  
<sup>a</sup>The freshwater conversion factors (CF) for cadmium and lead are hardness-dependent and can be calculated for any hardness [see limitations in § 131.36(c)(4)] using the following equations:  
 Cadmium  
 Acute: CF=1.136672—[(ln hardness)(0.041838)]  
 Chronic: CF=1.101672—[(ln hardness)(0.041838)]  
 Lead (Acute and Chronic): CF = 1.46203—[(ln hardness)(0.145712)]  
<sup>b</sup>No chronic criteria are available for silver.

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

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

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

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

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

Carcinogens Harmonic mean flow

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(2) *Vermont, EPA Region 1.* (i) All waters assigned to the following use classifications in the Vermont Water Quality Standards adopted under the authority of the Vermont Water Pollution Control Act (10 V.S.A., Chapter 47) are subject to the criteria in paragraph (d)(2)(ii) of this section, without exception:

Class A  
Class B  
Class C

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

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

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

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

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

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

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

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

(iii) The human health criteria shall be applied at the State-proposed  $10^{-6}$  risk level for EPA rated Class A, B<sub>1</sub>, and B<sub>2</sub> carcinogens; EPA rated Class C carcinogens shall be applied at  $10^{-5}$  risk level. To determine appropriate

value for carcinogens, see footnote c. in the matrix in paragraph (b)(1) of this section.

(4) *Puerto Rico, EPA Region 2.* (i) All waters assigned to the following use classifications in the Puerto Rico

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Water Quality Standards (promulgated by Resolution Number R-83-5-2) are subject to the criteria in paragraph (d)(4)(ii) of this section, without exception.

Article 2.2.2—Class SB  
Article 2.2.3—Class SC

Article 2.2.4—Class SD

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

Use classification	Applicable criteria
Class SD .....	Column B1—# 118. Column B2—#s 8, 105, 115, 118, 119, 120, 121, 122, 123,124, 125a, 125b. Column D1—#s 12, 16, 27, 60, 61, 62, 64, 73, 74, 92, 93, 103, 104, 114, 116, 118, 119, 120, 121, 122, 123, 124, 125a, 125b.
Class SB, Class SC .....	Column C1—#s 5b, 112, 113, 118. Column C2—#s 5b, 8, 112, 113, 118, 119, 120, 121, 122, 123, 124, 125a, 125b. Column D2—#s 12, 16, 27, 60, 61, 62, 64, 73, 74, 87, 92, 93, 103, 104, 114, 116, 118, 119, 120, 121, 122, 123, 124, 125a, 125b.

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

(5) *District of Columbia, EPA Region 3.*  
(i) All waters assigned to the following use classifications in chapter 11 Title 21 DCMR, Water Quality Standards of

the District of Columbia are subject to the criteria in paragraph (d)(5)(ii) of this section, without exception:

1101.2 Class C waters

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

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

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

(6) *Florida, EPA Region 4.* (i) All waters assigned to the following use classifications in Chapter 17-301 of the Florida Administrative Code (i.e., identified in Section 17-302.600) are subject to the criteria in paragraph (d)(6)(ii) of this section, without exception:

Class I  
Class II  
Class III

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

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

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

(7)-(8) [Reserved]

(9) *Kansas, EPA Region 7.* (i) All waters assigned to the following use classification in the Kansas Department of Health and Environment regulations, K.A.R. 28-16-28b through K.A.R. 28-16-28f, are subject to the criteria in paragraph (d)(9)(ii) of this section, without exception.

- Section (2)(A)—Special Aquatic Life Use Waters
- Section (2)(B)—Expected Aquatic Life Use Waters
- Section (2)(C)—Restricted Aquatic Life Use Waters
- Section (3)—Domestic Water Supply.
- Section (4)—Food Procurement Use.

(ii) The following criteria from the matrix in paragraph (b)(1) of this section apply to the use classifications identified in paragraph (d)(9)(i) of this section:

Use classification	Applicable criteria
1. Sections (2)(A), (2)(B), (2)(C), (4) .....	These classifications are each assigned criteria as follows: i. Column B1, #2. ii. Column D2, #12, 21, 29, 39, 46, 68, 79, 81, 86, 93, 104, 114, 118.
2. Section (3) .....	This classification is assigned all criteria in: Column D1, all except #1, 9, 12, 14, 15, 17, 22, 33, 36, 39, 44, 75, 77, 79, 90, 112, 113, and 115.

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

(10) *California, EPA Region 9.* (i) All waters assigned any aquatic life or human health use classifications in the Water Quality Control Plans for the various Basins of the State ("Basin Plans"), as amended, adopted by the California State Water Resources Control Board ("SWRCB"), except for ocean waters covered by the Water Quality Control Plan for Ocean Waters of California ("Ocean Plan") adopted by the SWRCB with resolution Number 90-27 on March 22, 1990, are subject to the criteria in paragraph (d)(10)(ii) of this section, without exception. These criteria amend the portions of the existing State standards contained in the Basin Plans. More particularly these criteria amend water quality criteria

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

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

Water and use classification	Applicable criteria
Waters of the State defined as bays or estuaries except the Sacramento-San Joaquin Delta and San Francisco Bay	These waters are assigned the criteria in: Column B1—pollutants 5a and 14 Column B2—pollutants 5a and 14 Column C1—pollutant 14 Column C2—pollutant 14 Column D2—pollutants 1, 12, 17, 18, 21, 22, 29, 30, 32, 33, 37, 38, 42-44, 46, 48, 49, 54, 59, 66, 67, 68, 78-82, 85, 89, 90, 91, 93, 95, 96, 98

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Water and use classification	Applicable criteria
Waters of the Sacramento—San Joaquin Delta and waters of the State defined as inland (i.e., all surface waters of the State not bays or estuaries or ocean) that include a MUN use designation	These waters are assigned the criteria in: Column B1—pollutants 5a and 14 Column B2—pollutants 5a and 14 Column D1—pollutants 1, 12, 15, 17, 18, 21, 22, 29, 30, 32, 33, 37, 38, 42–48, 49, 59, 66, 67, 68, 78–82, 85, 89, 90, 91, 93, 95, 96, 98
Waters of the State defined as inland without an MUN use designation	These waters are assigned the criteria in: Column B1—pollutants 5a and 14 Column B2—pollutants 5a and 14 Column D2—pollutants 1, 12, 17, 18, 21, 22, 29, 30, 32, 33, 37, 38, 42–44, 46, 48, 49, 54, 59, 66, 67, 68, 78–82, 85, 89, 90, 91, 93, 95, 96, 98
Waters of the San Joaquin River from the mouth of the Merced River to Vernalis	In addition to the criteria assigned to these waters elsewhere in this rule, these waters are assigned the criteria in: Column B2—pollutant 10
Waters of Salt Slough, Mud Slough (north) and the San Joaquin River, Sack Dam to the mouth of the Merced River	In addition to the criteria assigned to these waters elsewhere in this rule, these waters are assigned the criteria in: Column B1—pollutant 10 Column B2—pollutant 10
Waters of San Francisco Bay upstream to and including Suisun Bay and the Sacramento-San Joaquin Delta	These waters are assigned the criteria in: Column B1—pollutants 5a, 10* and 14 Column B2—pollutants 5a, 10* and 14 Column C1—pollutant 14 Column C2—pollutant 14 Column D2—pollutants 1, 12, 17, 18, 21, 22, 29, 30, 32, 33, 37, 38, 42–44, 46, 48, 49, 54, 59, 66, 67, 68, 78–82, 85, 89, 90, 91, 93, 95, 96, 98
All inland waters of the United States or enclosed bays and estuaries that are waters of the United States that include an MUN use designation and that the State has either excluded or partially excluded from coverage under its Water Quality Control Plan for Inland Surface Waters of California, Tables 1 and 2, or its Water Quality Control Plan for Enclosed Bays and Estuaries of California, Tables 1 and 2, or has deferred applicability of those tables. (Category (a), (b), and (c) waters described on page 6 of Water Quality Control Plan for Inland Surface Waters of California or page 6 of its Water Quality Control Plan for Enclosed Bays and Estuaries of California.)	These waters are assigned the criteria for pollutants for which the State does not apply Table 1 or 2 standards. These criteria are: Column B1—all pollutants Column B2—all pollutants Column D1—all pollutants except #2

Water and use classification	Applicable criteria
<p>All inland waters of the United States that do not include an MUN use designation and that the State has either excluded or partially excluded from coverage under its Water Quality Control Plan for Inland Surface Waters of California, Tables 1 and 2, or has deferred applicability of these tables. (Category (a), (b), and (c) waters described on page 6 of Water Quality Control Plan for Inland Surface Waters of California.)</p>	<p>These waters are assigned the criteria for pollutants for which the State does not apply Table 1 or 2 standards. These criteria are:                      Column B1—all pollutants                      Column B2—all pollutants                      Column D2—all pollutants except #2</p>
<p>All enclosed bays and estuaries that are waters of the United States that do not include an MUN designation and that the State has either excluded or partially excluded from coverage under its Water Quality Control Plan for Inland Surface Waters of California, Tables 1 and 2, or its Water Quality Control Plan for Enclosed Bays and Estuaries of California, Tables 1 and 2, or has deferred applicability of those tables. (Category (a), (b), and (c) waters described on page 6 of Water Quality Control Plan for Inland Surface Waters of California or page 6 of its Water Quality Control Plan for Enclosed Bays and Estuaries of California.)</p>	<p>These waters are assigned the criteria for pollutants for which the State does not apply Table 1 or 2 standards. These criteria are:                      Column B1—all pollutants                      Column B2—all pollutants                      Column C1—all pollutants                      Column C2—all pollutants                      Column D2—all pollutants except #2</p>
<p>*The fresh water selenium criteria are included for the San Francisco Bay estuary because high levels of bioaccumulation of selenium in the estuary indicate that the salt water criteria are underprotective for San Francisco Bay.</p>	

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

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

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

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

Water and use classification	Applicable criteria
<p>Waters that the State has included in NAC 445.1339 where Municipal or domestic supply is a designated use</p>	<p>These waters are assigned the criteria in:                      Column B1—pollutant #118                      Column B2—pollutant #118                      Column D1—pollutants #15, 16, 18, 19, 20, 21, 23, 26, 27, 29, 30, 34, 37, 38, 42, 43, 55, 58-62, 64, 66, 73, 74, 78, 82, 85, 87-89, 91, 92, 96, 98, 100, 103, 104, 105, 114, 116, 117, 118</p>
<p>Waters that the State has included in NAC 445.1339 where Municipal or domestic supply is not a designated use</p>	<p>These waters are assigned the criteria in:                      Column B1—pollutant #118                      Column B2—pollutant #118                      Column D2—all pollutants except #2.</p>

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

(12) *Alaska, EPA Region 10.* (i) All waters assigned to the following use classifications in the Alaska Administrative Code (AAC), Chapter 18 (i.e., identified in 18 AAC 70.020) are subject to the criteria in paragraph (d)(12)(ii) of this section, without exception:

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- 70.020.(1) (A) Fresh Water
- 70.020.(1) (A) Water Supply
  - (i) Drinking, culinary, and food processing;
  - (iii) Aquaculture;
- 70.020.(1) (B) Water Recreation
  - (i) Contact recreation;
  - (ii) Secondary recreation;
- 70.020.(1) (C) Growth and propagation of fish, shellfish, other aquatic life, and wildlife
- 70.020.(2) (A) Marine Water
- 70.020.(2) (A) Water Supply
  - (i) Aquaculture,

- 70.020.(2) (B) Water Recreation
  - (i) contact recreation;
  - (ii) secondary recreation;
- 70.020.(2) (C) Growth and propagation of fish, shellfish, other aquatic life, and wildlife;
- 70.020.(2) (D) Harvesting for consumption of raw mollusks or other raw aquatic life.
  - (ii) The following criteria from the matrix in paragraph (b)(1) of this section apply to the use classifications identified in paragraph (d)(12)(i) of this section:

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

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

(13) [Reserved]

(14) *Washington, EPA Region 10.* (i) All waters assigned to the following use classifications in the Washington Administrative Code (WAC), Chapter 173–201 (i.e., identified in WAC 173–201–045) are subject to the criteria in paragraph

(d)(14)(ii) of this section, without exception:

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

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

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

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(iii) The human health criteria shall be applied at the State proposed risk level of 10<sup>-6</sup>.

[57 FR 60910, Dec. 22, 1992; 58 FR 31177, June 1, 1993, as amended at 58 FR 34499, June 25, 1993; 58 FR 36142, July 6, 1993; 60 FR 22229, 22235, May 4, 1995; 60 FR 44120, Aug. 24, 1995; 61 FR 60617, Nov. 29, 1996; 62 FR 52927, Oct. 9, 1997; 62 FR 53214, Oct. 10, 1997; 63 FR 10144, Mar. 2, 1998; 64 FR 61193, Nov. 9, 1999; 65 FR 19661, Apr. 12, 2000; 67 FR 68041, Nov. 8, 2002; 67 FR 71846, Dec. 3, 2002; 69 FR 63082, Oct. 29, 2004]

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

(1) *Estuarine habitat criteria.* (i) *General rule.* (A) Salinity (measured at the surface) shall not exceed 2640 micromhos/centimeter specific conductance at 25 °C (measured as a 14-day moving average) at the Confluence of the Sacramento and San Joaquin Rivers throughout the period each year

from February 1 through June 30, and shall not exceed 2640 micromhos/centimeter specific conductance at 25 °C (measured as a 14-day moving average) at the specific locations noted in Table 1 near Roe Island and Chipps Island for the number of days each month in the February 1 to June 30 period computed by reference to the following formula:

$$\text{Number of days required in Month X} = \frac{\text{Total number of days in Month} \times e^k}{1 - 1/(1+e^k)}$$

where

K = A + (B\*natural logarithm of the previous month's 8-River Index);

A and B are determined by reference to Table 1 for the Roe Island and Chipps Island locations;

x is the calendar month in the February 1 to June 30 period;

and e is the base of the natural (or Napierian) logarithm.

Where the number of days computed in this equation in paragraph (a)(1)(i)(A) of this section shall be rounded to the nearest whole number of days. When the previous month's 8-River Index is less than 500,000 acre-feet, the number of days required for the current month shall be zero.

TABLE 1. CONSTANTS APPLICABLE TO EACH OF THE MONTHLY EQUATIONS TO DETERMINE MONTHLY REQUIREMENTS DESCRIBED.

Month X	Chipps Island		Roe Island (if triggered)	
	A	B	A	B
Feb .....	-1	-1	-14.36	+2.068
Mar .....	-105.16	+15.943	-20.79	+2.741
Apr .....	-47.17	+6.441	-28.73	+3.783
May .....	-94.93	+13.662	-54.22	+6.571
June .....	-81.00	+9.961	-92.584	+10.699

<sup>1</sup> Coefficients for A and B are not provided at Chipps Island for February, because the 2640 micromhos/cm specific conductance criteria must be maintained at Chipps Island throughout February under all historical 8-River Index values for January.

(B) The Roe Island criteria apply at the salinity measuring station maintained by the U.S. Bureau of Reclamation at Port Chicago (km 64). The Chipps Island criteria apply at the Mallard Slough Monitoring Site, Station D-10 (RKI RSAC-075) maintained by the California Department of Water Resources. The Confluence criteria apply at the Collinsville Continuous Monitoring Station C-2 (RKI RSAC-081) maintained by the California Department of Water Resources.

(ii) *Exception.* The criteria at Roe Island shall be required for any given month only if the 14-day moving average salinity at Roe Island falls below 2640 micromhos/centimeter specific conductance on any of the last 14 days of the previous month.

(2) *Fish migration criteria—(i) General rule—(A) Sacramento River.* Measured Fish Migration criteria values for the Sacramento River shall be at least the following:



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At temperatures less than below 61 °F:  
SRFMC = 1.35

At temperatures between 61 °F and 72 °F: SRFMC = 6.96-.092 \* Fahrenheit temperature

At temperatures greater than 72 °F: SRFMC = 0.34

where SRFMC is the Sacramento River Fish Migration criteria value. Temperature shall be the water temperature at release of tagged salmon smolts into the Sacramento River at Miller Park.

(B) *San Joaquin River*. Measured Fish Migration criteria values on the San Joaquin River shall be at least the following:

For years in which the SJVIndex is >2.5: SJFMC = (-0.012) + 0.184\*SJVIndex

In other years: SJFMC = 0.205 + 0.0975\*SJVIndex

where SJFMC is the San Joaquin River Fish Migration criteria value, and SJVIndex is the San Joaquin Valley Index in million acre feet (MAF)

(ii) *Computing fish migration criteria values for Sacramento River*. In order to assess fish migration criteria values for the Sacramento River, tagged fall-run salmon smolts will be released into the Sacramento River at Miller Park and captured at Chipps Island, or alternatively released at Miller Park and Port Chicago and recovered from the ocean fishery, using the methodology described in this paragraph (a)(2)(ii). An alternative methodology for computing fish migration criteria values can be used so long as the revised methodology is calibrated with the methodology described in this paragraph (a)(2)(ii) so as to maintain the validity of the relative index values. Sufficient releases shall be made each year to provide a statistically reliable verification of compliance with the criteria. These criteria will be considered attained when the sum of the differences between the measured experimental value and the stated criteria value (i.e., measured value minus stated value) for each experimental release conducted over a three year period (the current year and the previous two years) shall be greater than or equal to zero. Fish for release are to be tagged

at the hatchery with coded-wire tags, and fin clipped. Approximately 50,000 to 100,000 fish of smolt size (size greater than 75 mm) are released for each survival index estimate, depending on expected mortality. As a control for the ocean recovery survival index, one or two groups per season are released at Benecia or Pt. Chicago. From each upstream release of tagged fish, fish are to be caught over a period of one to two weeks at Chipps Island. Daylight sampling at Chipps Island with a 9.1 by 7.9 m, 3.2 mm cod end, midwater trawl is begun 2 to 3 days after release. When the first fish is caught, full-time trawling 7 days a week should begin. Each day's trawling consists of ten 20 minute tows generally made against the current, and distributed equally across the channel.

(A) The Chipps Island smolt survival index is calculated as:

$$SSI=R+MT(0.007692)$$

where

R=number of recaptures of tagged fish  
M=number of marked (tagged) fish released  
T=proportion of time sampled vs total time tagged fish were passing the site (i.e. time between first and last tagged fish recovery)

Where the value 0.007692 is the proportion of the channel width fished by the trawl, and is calculated as trawl width/channel width.

(B) Recoveries of tagged fish from the ocean salmon fishery two to four years after release are also used to calculate a survival index for each release. Smolt survival indices from ocean recoveries are calculated as:

$$OSI=R_1/M_1+R_2/M_2$$

where

R<sub>1</sub>=number of tagged adults recovered from the upstream release  
M<sub>1</sub>=number released upstream  
R<sub>2</sub>=number of tagged adults recovered from the Port Chicago release  
M<sub>2</sub>=number released at Port Chicago

(1) The number of tagged adults recovered from the ocean fishery is provided by the Pacific States Marine Fisheries Commission, which maintains a port sampling program.

(2) [Reserved]

(iii) *Computing fish migration criteria values for San Joaquin River*. In order to assess annual fish migration criteria

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values for the San Joaquin River, tagged salmon smolts will be released into the San Joaquin River at Mossdale and captured at Chipps Island, or alternatively released at Mossdale and Port Chicago and recovered from the ocean fishery, using the methodology described in paragraph (a)(2)(iii). An alternative methodology for computing fish migration criteria values can be used so long as the revised methodology is calibrated with the methodology described below so as to maintain the validity of the relative index values. Sufficient releases shall be made each year to provide a statistically reliable estimate of the SJFMC for the year. These criteria will be considered attained when the sum of the differences between the measured experimental value and the stated criteria value (i.e., measured value minus stated value) for each experimental release conducted over a three year period (the current year and the previous two years) shall be greater than or equal to zero.

(A) Fish for release are to be tagged at the hatchery with coded-wire tags, and fin clipped. Approximately 50,000 to 100,000 fish of smolt size (size greater than 75 mm) are released for each survival index estimate, depending on expected mortality. As a control for the ocean recovery survival index, one or two groups per season are released at Benicia or Pt. Chicago. From each upstream release of tagged fish, fish are to be caught over a period of one to two weeks at Chipps Island. Daylight sampling at Chipps Island with a 9.1 by 7.9 m, 3.2 mm cod end, midwater trawl is begun 2 to 3 days after release. When the first fish is caught, full-time trawling 7 days a week should begin. Each day's trawling consists of ten 20 minute tows generally made against the current, and distributed equally across the channel.

(B) The Chipps Island smolt survival index is calculated as:

SSI=R+MT(0.007692)

where

R=number of recaptures of tagged fish
M=number of marked (tagged) fish released
T=proportion of time sampled vs total time tagged fish were passing the site (i.e. time between first and last tagged fish recovery)

Where the value 0.007692 is the proportion of the channel width fished by the trawl, and is calculated as trawl width/channel width.

(C) Recoveries of tagged fish from the ocean salmon fishery two to four years after release are also used to calculate a survival index for each release. Smolt survival indices from ocean recoveries are calculated as:

OSI=R1/M1 + R2/M2

where

R1=number of tagged adults recovered from the upstream release
M1=number released upstream
R2=number of tagged adults recovered from the Port Chicago release
M2=number released at Port Chicago

(1) The number of tagged adults recovered from the ocean fishery is provided by the Pacific States Marine Fisheries Commission, which maintains a port sampling program.

(2) [Reserved]

(3) Suisun marsh criteria. (i) Water quality conditions sufficient to support a natural gradient in species composition and wildlife habitat characteristic of a brackish marsh throughout all elevations of the tidal marshes bordering Suisun Bay shall be maintained. Water quality conditions shall be maintained so that none of the following occurs: Loss of diversity; conversion of brackish marsh to salt marsh; for animals, decreased population abundance of those species vulnerable to increased mortality and loss of habitat from increased water salinity; or for plants, significant reduction in stature or percent cover from increased water or soil salinity or other water quality parameters.

(ii) [Reserved]

(b) Revised criteria. The following criteria are applicable to state waters specified in Table 1-1, at Section (C)(3) ("Striped Bass—Salinity : 3. Prisoners Point—Spawning) of the Water Quality Control Plan for Salinity for the San Francisco Bay—Sacramento/San Joaquin Delta Estuary, adopted by the California State Water Resources Control Board in State Board Resolution No. 91-34 on May 1, 1991:

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Location	Sampling site Nos (I--A/RK1)	Parameter	Description	Index type	San Joaquin Valley Index	Dates	Values
San Joaquin River at Jersey Point, San Andreas Landing, Prisoners Point, Buckley Cove, Rough and Ready Island, Brandt Bridge, Mossdale, and Vernalis.	D15/RSAN018, C4/RSAN032, D29/RSAN038, P8/RSAN056, -/RSAN062, C6/RSAN073, C7/RSAN087, C10/RSAN112	Specific Conductance @ 25 °C ...	14-day running average of mean daily for the period not more than value shown, in mmhos.	Not Applicable.	>2.5 MAF	April 1 to May 31.	0.44 micro-mhos.
San Joaquin River at Jersey Point, San Andreas Landing and Prisoners Point.	D15/RSAN018, C4/RSAN032, D29/RSAN038	Specific Conductance.	14-day running average of mean daily for the period not more than value shown, in mmhos.	Not Applicable.	≤2.5 MAF	April 1 to May 31.	0.44 micro-mhos.

(c) *Definitions.* Terms used in paragraphs (a) and (b) of this section, shall be defined as follows:

(1) *Water year.* A water year is the twelve calendar months beginning October 1.

(2) *8-River Index.* The flow determinations are made and are published by the California Department of Water Resources in Bulletin 120. The 8-River Index shall be computed as the sum of flows at the following stations:

- (i) Sacramento River at Band Bridge, near Red Bluff;
- (ii) Feather River, total inflow to Oroville Reservoir;
- (iii) Yuba River at Smartville;
- (iv) American River, total inflow to Folsom Reservoir;
- (v) Stanislaus River, total inflow to New Melones Reservoir;
- (vi) Tuolumne River, total inflow to Don Pedro Reservoir;
- (vii) Merced River, total inflow to Exchequer Reservoir; and
- (viii) San Joaquin River, total inflow to Millerton Lake.

(3) *San Joaquin Valley Index.* (i) The San Joaquin Valley Index is computed according to the following formula:

$$I_{SJ} = 0.6X + 0.2Y + 0.2Z$$

where

$I_{SJ}$  = San Joaquin Valley Index

X = Current year's April-July San Joaquin Valley unimpaired runoff

Y = Current year's October-March San Joaquin Valley unimpaired runoff

Z = Previous year's index in MAF, not to exceed 0.9 MAF

(ii) *Measuring San Joaquin Valley unimpaired runoff.* San Joaquin Valley unimpaired runoff for the current water year is a forecast of the sum of the following locations: Stanislaus River, total flow to New Melones Reservoir; Tuolumne River, total inflow to Don Pedro Reservoir; Merced River, total flow to Exchequer Reservoir; San Joaquin River, total inflow to Millerton Lake.

(4) *Salinity.* Salinity is the total concentration of dissolved ions in water. It shall be measured by specific conductance in accordance with the procedures set forth in 40 CFR 136.3, Table 1B, Parameter 64.

[60 FR 4707, Jan. 24, 1995]

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§ 131.38 Establishment of numeric criteria for priority toxic pollutants for the State of California.

(a) *Scope.* This section promulgates criteria for priority toxic pollutants in the State of California for inland sur-

face waters and enclosed bays and estuaries. This section also contains a compliance schedule provision.

(b)(1) Criteria for Priority Toxic Pollutants in the State of California as described in the following table:

A		B Freshwater		C Saltwater		D Human Health (10 <sup>-6</sup> risk for carcinogens) For consumption of:	
# Compound	CAS Number	Criterion Maximum Conc. <sup>a</sup> B1	Criterion Continuous Conc. <sup>a</sup> B2	Criterion Maximum Conc. <sup>a</sup> C1	Criterion Continuous Conc. <sup>a</sup> C2	Water & Organisms (µg/L) D1	Organisms Only (µg/L) D2
1. Antimony	7440360					14 a,s	4300 a,t
2. Arsenic <sup>b</sup>	7440382	340 i,m,w	150 i,m,w	69 i,m	36 i,m		
3. Beryllium	7440417					n	n
4. Cadmium <sup>b</sup>	7440439	4.3 e,i,m,w,x	2.2 e,i,m,w	42 i,m	9.3 i,m	n	n
5a. Chromium (III)	16065831	550 e,i,m,o	180 e,i,m,o			n	n
5b. Chromium (VI) <sup>b</sup>	18540299	16 i,m,w	11 i,m,w	1100 i,m	50 i,m	n	n
6. Copper <sup>b</sup>	7440508	13 e,i,m,w,x	9.0 e,i,m,w	4.8 i,m	3.1 i,m	1300	
7. Lead <sup>b</sup>	7439921	65 e,i,m	2.5 e,i,m	210 i,m	8.1 i,m	n	n
8. Mercury <sup>b</sup>	7439976	[Reserved]	[Reserved]	[Reserved]	[Reserved]	0.050 a	0.051 a
9. Nickel <sup>b</sup>	7440020	470 e,i,m,w	52 e,i,m,w	74 i,m	8.2 i,m	610 a	4600 a
10. Selenium <sup>b</sup>	7782492	[Reserved] p	5.0 q	290 i,m	71 i,m	n	n
11. Silver <sup>b</sup>	7440224	3.4 e,i,m		1.9 i,m			
12. Thallium	7440280					1.7 a,s	6.3 a,t
13. Zinc <sup>b</sup>	7440666	120 e,i,m,w,x	120 e,i,m,w	90 i,m	81 i,m		
14. Cyanide <sup>b</sup>	57125	22 o	5.2 o	1 r	1 r	700 a	220,000 a,j
15. Asbestos	1332214					7,000,000 fibers/L k,s	
16. 2,3,7,8-TCDD (Dioxin)	1746016					0.000000013 c	0.000000014 c
17. Acrolein	107028					320 s	780 t
18. Acrylonitrile	107131					0.059 a,c,s	0.66 a,c,t
19. Benzene	71432					1.2 a,c	71 a,c
20. Bromoform	75252					4.3 a,c	360 a,c
21. Carbon Tetrachloride	56235					0.25 a,c,s	4.4 a,c,t
22. Chlorobenzene	108907					680 a,s	21,000 a,j,t
23. Chlorodibromomethane	124481					0.401 a,c	34 a,c
24. Chloroethane	75003						
25. 2-Chloroethylvinyl Ether	110758						

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26. Chloroform	67663					[Reserved]	[Reserved]
27. Dichlorobromomethane	75274					0.56 a,c	46 a,c
28. 1,1-Dichloroethane	75343						
29. 1,2-Dichloroethane	107062					0.38 a,c,s	99 a,c,t
30. 1,1-Dichloroethylene	75354					0.057 a,c,s	3.2 a,c,t
31. 1,2-Dichloropropane	78875					0.52 a	39 a
32. 1,3-Dichloropropylene	542756					10 a,s	1,700 a,t
33. Ethylbenzene	100414					3,100 a,s	29,000 a,t
34. Methyl Bromide	74839					48 a	4,000 a
35. Methyl Chloride	74873					n	n
36. Methylene Chloride	75092					4.7 a,c	1,600 a,c
37. 1,1,2,2-Tetrachloroethane	79345					0.17 a,c,s	11 a,c,t
38. Tetrachloroethylene	127184					0.8 c,s	8.85 c,t
39. Toluene	108883					6,800 a	200,000 a
40. 1,2-Trans-Dichloroethylene	156605					700 a	140,000 a
41. 1,1,1-Trichloroethane	71556					n	n
42. 1,1,2-Trichloroethane	79005					0.60 a,c,s	42 a,c,t
43. Trichloroethylene	79016					2.7 c,s	81 c,t
44. Vinyl Chloride	75014					2 c,s	525 c,t
45. 2-Chlorophenol	95578					120 a	400 a
46. 2,4-Dichlorophenol	120832					93 a,s	790 a,t
47. 2,4-Dimethylphenol	105679					540 a	2,300 a
48. 2-Methyl-4,6-Dinitrophenol	534521					13.4 s	765 t
49. 2,4-Dinitrophenol	51285					70 a,s	14,000 a,t
50. 2-Nitrophenol	88755						
51. 4-Nitrophenol	100027						
52. 3-Methyl-4-Chlorophenol	59507						
53. Pentachlorophenol	87865	19 f,w	15 f,w	13	7.9	0.28 a,c	8.2 a,c,j
54. Phenol	108952					21,000 a	4,600,000 a,j,t
55. 2,4,6-Trichlorophenol	88062					2.1 a,c	6.5 a,c
56. Acenaphthene	83329					1,200 a	2,700 a
57. Acenaphthylene	208968						
58. Anthracene	120127					9,600 a	110,000 a

59. Benzidine	92875				0.00012 a,c,s	0.00054 a,c,t
60. Benzo(a)Anthracene	56553				0.0044 a,c	0.049 a,c
61. Benzo(a)Pyrene	50328				0.0044 a,c	0.049 a,c
62. Benzo(b)Fluoranthene	205992				0.0044 a,c	0.049 a,c
63. Benzo(ghi)Perylene	191242					
64. Benzo(k)Fluoranthene	207089				0.0044 a,c	0.049 a,c
65. Bis(2-Chloroethoxy)Methane	111911					
66. Bis(2-Chloroethyl)Ether	111444				0.031 a,c,s	1.4 a,c,t
67. Bis(2-Chloroisopropyl)Ether	39638329				1,400 a	170,000 a,t
68. Bis(2-Ethylhexyl)Phthalate	117817				1.8 a,c,s	5.9 a,c,t
69. 4-Bromophenyl Phenyl Ether	101553					
70. Butylbenzyl Phthalate	85687				3,000 a	5,200 a
71. 2-Chloronaphthalene	91587				1,700 a	4,300 a
72. 4-Chlorophenyl Phenyl Ether	7005723					
73. Chrysene	218019				0.0044 a,c	0.049 a,c
74. Dibenzo(a,h)Anthracene	53703				0.0044 a,c	0.049 a,c
75. 1,2-Dichlorobenzene	95501				2,700 a	17,000 a
76. 1,3-Dichlorobenzene	541731				400	2,600
77. 1,4-Dichlorobenzene	106467				400	2,600
78. 3,3'-Dichlorobenzidine	91941				0.04 a,c,s	0.077 a,c,t
79. Diethyl Phthalate	84662				23,000 a,s	120,000 a,t
80. Dimethyl Phthalate	131113				313,000 s	2,900,000 t
81. Di-n-Butyl Phthalate	84742				2,700 a,s	12,000 a,t
82. 2,4-Dinitrotoluene	121142				0.11 c,s	9.1 c,t
83. 2,6-Dinitrotoluene	606202					
84. Di-n-Octyl Phthalate	117840					
85. 1,2-Diphenylhydrazine	122667				0.040 a,c,s	0.54 a,c,t
86. Fluoranthene	206440				300 a	370 a
87. Fluorene	86737				1,300 a	14,000 a
88. Hexachlorobenzene	118741				0.00075 a,c	0.00077 a,c
89. Hexachlorobutadiene	87683				0.44 a,c,s	50 a,c,t
90. Hexachlorocyclopentadiene	77474				240 a,s	17,000 a,j,t
91. Hexachloroethane	67721				1.9 a,c,s	8.9 a,c,t

92. Indeno(1,2,3-cd) Pyrene	193395					0.0044 a,c	0.049 a,c
93. Isophorone	78591					8.4 c,s	600 c,t
94. Naphthalene	91203						
95. Nitrobenzene	98953					17 a,s	1,900 a,j,l
96. N-Nitrosodimethylamine	62759					0.00069 a,c,s	8.1 a,c,t
97. N-Nitrosodi-n-Propylamine	621647					0.005 a	1.4 a
98. N-Nitrosodiphenylamine	86305					5.0 a,c,s	16 a,c,t
99. Phenanthrene	85018						
100. Pyrene	129000					960 a	11,000 a
101. 1,2,4-Trichlorobenzene	120821						
102. Aldrin	309002	3 g		1.3 g		0.00013 a,c	0.00014 a,c
103. alpha-BHC	319846					0.0039 a,c	0.013 a,c
104. beta-BHC	319857					0.014 a,c	0.046 a,c
105. gamma-BHC	58899	0.95 w		0.16 g		0.019 c	0.063 c
106. delta-BHC	319868						
107. Chlordane	57749	2.4 g	0.0043 g	0.09 g	0.004 g	0.00057 a,c	0.00059 a,c
108. 4,4'-DDT	50293	1.1 g	0.001 g	0.13 g	0.001 g	0.00059 a,c	0.00059 a,c
109. 4,4'-DDE	72559					0.00059 a,c	0.00059 a,c
110. 4,4'-DDD	72548					0.00083 a,c	0.00084 a,c
111. Dieldrin	60571	0.24 w	0.056 w	0.71 g	0.0019 g	0.00014 a,c	0.00014 a,c
112. alpha-Endosulfan	959988	0.22 g	0.056 g	0.034 g	0.0087 g	110 a	240 a
113. beta-Endosulfan	33213659	0.22 g	0.056 g	0.034 g	0.0087 g	110 a	240 a
114. Endosulfan Sulfate	1031078					110 a	240 a
115. Endrin	72208	0.086 w	0.036 w	0.037 g	0.0023 g	0.76 a	0.81 a,j
116. Endrin Aldehyde	7421934					0.76 a	0.81 a,j
117. Heptachlor	76448	0.52 g	0.0038 g	0.053 g	0.0036 g	0.00021 a,c	0.00021 a,c
118. Heptachlor Epoxide	1024573	0.52 g	0.0038 g	0.053 g	0.0036 g	0.00010 a,c	0.00011 a,c
119-125. Polychlorinated biphenyls (PCBs)			0.014 u		0.03 u	0.00017 c,v	0.00017 c,v
126. Toxaphene	8601352	0.73	0.0002	0.21	0.0002	0.00073 a,c	0.00075 a,c
Total Number of Criteria <sup>3</sup>		22	21	22	20	92	90

FOOTNOTES TO TABLE IN PARAGRAPH (b)(1):

a. Criteria revised to reflect the Agency q1\* or RfD, as contained in the Integrated Risk Information System (IRIS) as of October 1, 1996. The fish tissue bioconcentration factor (BCF) from the 1980 documents was retained in each case.

b. Criteria apply to California waters except for those waters subject to objectives in Tables III-2A and III-2B of the San Francisco Regional Water Quality Control Board's (SFRWQCB) 1986 Basin Plan that were adopted by the SFRWQCB and the State Water Resources Control Board, approved by EPA, and which continue to apply. For copper and nickel, criteria apply to California waters except for waters south of Dumbarton Bridge in San Francisco Bay that are subject to the objectives in the SFRWQCB's Basin Plan as amended by SFRWQCB Resolution R2-2002-0061, dated May 22, 2002, and approved by the State Water Resources Control Board. EPA approved the aquatic life site-specific objectives on January 21, 2003. The copper and nickel aquatic life site-specific objectives

contained in the amended Basin Plan apply instead.

c. Criteria are based on carcinogenicity of 10 (-6) risk.

d. Criteria Maximum Concentration (CMC) equals the highest concentration of a pollutant to which aquatic life can be exposed for a short period of time without deleterious effects. Criteria Continuous Concentration (CCC) equals the highest concentration of a pollutant to which aquatic life can be exposed for an extended period of time (4 days) without deleterious effects. ug/L equals micrograms per liter.

e. Freshwater aquatic life criteria for metals are expressed as a function of total hardness (mg/L) in the water body. The equations are provided in matrix at paragraph (b)(2) of this section. Values displayed above in the matrix correspond to a total hardness of 100 mg/l.

f. Freshwater aquatic life criteria for pentachlorophenol are expressed as a function of pH, and are calculated as follows:

Values displayed above in the matrix correspond to a pH of 7.8.  $CMC = \exp(1.005(pH) - 4.869)$ .  $CCC = \exp(1.005(pH) - 5.134)$ .

g. This criterion is based on 304(a) aquatic life criterion issued in 1980, and was issued in one of the following documents: Aldrin/Dieldrin (EPA 440/5-80-019), Chlordane (EPA 440/5-80-027), DDT (EPA 440/5-80-038), Endosulfan (EPA 440/5-80-046), Endrin (EPA 440/5-80-047), Heptachlor (440/5-80-052), Hexachlorocyclohexane (EPA 440/5-80-054), Silver (EPA 440/5-80-071). The Minimum Data Requirements and derivation procedures were different in the 1980 Guidelines than in the 1985 Guidelines. For example, a "CMC" derived using the 1980 Guidelines was derived to be used as an instantaneous maximum. If assessment is to be done using an averaging period, the values given should be divided by 2 to obtain a value that is more comparable to a CMC derived using the 1985 Guidelines.

h. These totals simply sum the criteria in each column. For aquatic life, there are 23 priority toxic pollutants with some type of freshwater or saltwater, acute or chronic criteria. For human health, there are 92 priority toxic pollutants with either "water + organism" or "organism only" criteria. Note that these totals count chromium as one pollutant even though EPA has developed criteria based on two valence states. In the matrix, EPA has assigned numbers 5a and 5b to the criteria for chromium to reflect the fact that the list of 126 priority pollutants includes only a single listing for chromium.

i. Criteria for these metals are expressed as a function of the water-effect ratio, WER, as defined in paragraph (c) of this section.  $CMC = \text{column B1 or C1 value} \times WER$ ;  $CCC = \text{column B2 or C2 value} \times WER$ .

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

k. The CWA 304(a) criterion for asbestos is the MCL.

l. [Reserved]

m. These freshwater and saltwater criteria for metals are expressed in terms of the dissolved fraction of the metal in the water column. Criterion values were calculated by using EPA's Clean Water Act 304(a) guidance values (described in the total recoverable fraction) and then applying the conversion factors in §131.36(b)(1) and (2).

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

o. These criteria were promulgated for specific waters in California in the National Toxics Rule ("NTR"), at §131.36. The specific waters to which the NTR criteria apply include: Waters of the State defined as bays or estuaries and waters of the State defined as inland, i.e., all surface waters of the State not ocean waters. These waters specifically include the San Francisco Bay upstream to and including Suisun Bay and the Sacramento-San Joaquin Delta. This section does not apply instead of the NTR for this criterion.

p. A criterion of 20 ug/l was promulgated for specific waters in California in the NTR and was promulgated in the total recoverable form. The specific waters to which the NTR criterion applies include: Waters of the San Francisco Bay upstream to and including Suisun Bay and the Sacramento-San Joaquin Delta; and waters of Salt Slough, Mud Slough (north) and the San Joaquin River, Sack Dam to the mouth of the Merced River. This section does not apply instead of the NTR for this criterion. The State of California adopted and EPA approved a site specific criterion for the San Joaquin River, mouth of Merced to Vernalis; therefore, this section does not apply to these waters.

q. This criterion is expressed in the total recoverable form. This criterion was promulgated for specific waters in California in the NTR and was promulgated in the total recoverable form. The specific waters to which the NTR criterion applies include: Waters of the San Francisco Bay upstream to and including Suisun Bay and the Sacramento-San Joaquin Delta; and waters of Salt Slough, Mud Slough (north) and the San Joaquin River, Sack Dam to Vernalis. This criterion does not apply instead of the NTR for these waters. This criterion applies to additional waters of the United States in the State of California pursuant to 40 CFR 131.38(c). The State of California adopted and EPA approved a site-specific criterion for the Grassland Water District, San Luis National Wildlife Refuge, and the Los Banos State Wildlife Refuge; therefore, this criterion does not apply to these waters.

r. These criteria were promulgated for specific waters in California in the NTR. The specific waters to which the NTR criteria apply include: Waters of the State defined as bays or estuaries including the San Francisco Bay upstream to and including Suisun Bay and the Sacramento-San Joaquin Delta. This section does not apply instead of the NTR for these criteria.

s. These criteria were promulgated for specific waters in California in the NTR. The specific waters to which the NTR criteria apply include: Waters of the Sacramento-San Joaquin Delta and waters of the State defined as inland (i.e., all surface waters of the State not bays or estuaries or ocean) that include a MUN use designation. This section



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does not apply instead of the NTR for these criteria.

t. These criteria were promulgated for specific waters in California in the NTR. The specific waters to which the NTR criteria apply include: Waters of the State defined as bays and estuaries including San Francisco Bay upstream to and including Suisun Bay and the Sacramento-San Joaquin Delta; and waters of the State defined as inland (i.e., all surface waters of the State not bays or estuaries or ocean) without a MUN use designation. This section does not apply instead of the NTR for these criteria.

u. PCBs are a class of chemicals which include aroclors 1242, 1254, 1221, 1232, 1248, 1260, and 1016, CAS numbers 53469219, 11097691, 11104282, 11141165, 12672296, 11096825, and 12674112, respectively. The aquatic life criteria apply to the sum of this set of seven aroclors.

v. This criterion applies to total PCBs, e.g., the sum of all congener or isomer or homolog or aroclor analyses.

w. This criterion has been recalculated pursuant to the 1995 Updates: Water Quality Criteria Documents for the Protection of Aquatic Life in Ambient Water, Office of Water, EPA-820-B-96-001, September 1996. See also Great Lakes Water Quality Initiative Criteria Documents for the Protection of Aquatic Life in Ambient Water, Office of Water, EPA-80-B-95-004, March 1995.

x. The State of California has adopted and EPA has approved site specific criteria for the Sacramento River (and tributaries)

above Hamilton City; therefore, these criteria do not apply to these waters.

GENERAL NOTES TO TABLE IN PARAGRAPH (b)(1)

1. The table in this paragraph (b)(1) lists all of EPA's priority toxic pollutants whether or not criteria guidance are available. Blank spaces indicate the absence of national section 304(a) criteria guidance. Because of variations in chemical nomenclature systems, this listing of toxic pollutants does not duplicate the listing in Appendix A to 40 CFR Part 423-126 Priority Pollutants. EPA has added the Chemical Abstracts Service (CAS) registry numbers, which provide a unique identification for each chemical.

2. The following chemicals have organoleptic-based criteria recommendations that are not included on this chart: zinc, 3-methyl-4-chlorophenol.

3. Freshwater and saltwater aquatic life criteria apply as specified in paragraph (c)(3) of this section.

(2) Factors for Calculating Metals Criteria. Final CMC and CCC values should be rounded to two significant figures.

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

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

(iii) Table 1 to paragraph (b)(2) of this section:

Metal	$m_A$	$b_A$	$m_C$	$b_C$
Cadmium .....	1.128	-3.6867	0.7852	-2.715
Copper .....	0.9422	-1.700	0.8545	-1.702
Chromium (III) .....	0.8190	3.688	0.8190	1.561
Lead .....	1.273	-1.460	1.273	-4.705
Nickel .....	0.8460	2.255	0.8460	0.0584
Silver .....	1.72	-6.52		
Zinc .....	0.8473	0.884	0.8473	0.884

Note to Table 1: The term "exp" represents the base e exponential function.

(iv) Table 2 to paragraph (b)(2) of this section:

Metal	Conversion factor (CF) for freshwater acute criteria	CF for freshwater chronic criteria	CF for saltwater acute criteria	CF <sup>a</sup> for saltwater chronic criteria
Antimony .....	( <sup>d</sup> )	( <sup>d</sup> )	( <sup>d</sup> )	( <sup>d</sup> )
Arsenic .....	1.000	1.000	1.000	1.000
Beryllium .....	( <sup>d</sup> )	( <sup>d</sup> )	( <sup>d</sup> )	( <sup>d</sup> )
Cadmium .....	<sup>b</sup> 0.944	<sup>b</sup> 0.909	0.994	0.994
Chromium (III) .....	0.316	0.860	( <sup>d</sup> )	( <sup>d</sup> )
Chromium (VI) .....	0.982	0.962	0.993	0.993
Copper .....	0.960	0.960	0.83	0.83
Lead .....	<sup>b</sup> 0.791	<sup>b</sup> 0.791	0.951	0.951
Mercury .....				
Nickel .....	0.998	0.997	0.990	0.990
Selenium .....		( <sup>c</sup> )	0.998	0.998

Metal	Conversion factor (CF) for freshwater acute criteria	CF for freshwater chronic criteria	CF for saltwater acute criteria	CF <sup>a</sup> for saltwater chronic criteria
Silver .....	0.85	( <sup>d</sup> )	0.85	( <sup>d</sup> )
Thallium .....	( <sup>d</sup> )	( <sup>d</sup> )	( <sup>d</sup> )	( <sup>d</sup> )
Zinc .....	0.978	0.986	0.946	0.946

FOOTNOTES TO TABLE 2 OF PARAGRAPH (b)(2):  
<sup>a</sup> Conversion Factors for chronic marine criteria are not currently available. Conversion Factors for acute marine criteria have been used for both acute and chronic marine criteria.  
<sup>b</sup> Conversion Factors for these pollutants in freshwater are hardness dependent. CFs are based on a hardness of 100 mg/l as calcium carbonate (CaCO<sub>3</sub>). Other hardness can be used; CFs should be recalculated using the equations in table 3 to paragraph (b)(2) of this section.  
<sup>c</sup> Bioaccumulative compound and inappropriate to adjust to percent dissolved.  
<sup>d</sup> EPA has not published an aquatic life criterion value.

NOTE TO TABLE 2 OF PARAGRAPH (b)(2): The term "Conversion Factor" represents the recommended conversion factor for converting a metal criterion expressed as the total recoverable fraction in the water column to a criterion expressed as the dissolved fraction in the water column. See "Office of Water Policy and Technical Guidance on Interpretation and Implementation of Aquatic

Life Metals Criteria", October 1, 1993, by Martha G. Prothro, Acting Assistant Administrator for Water available from Water Resource Center, USEPA, Mailcode RC4100, M Street SW, Washington, DC 20460 and the note to §131.36(b)(1).

(v) Table 3 to paragraph (b)(2) of this section:

	Acute	Chronic
Cadmium .....	CF=1.136672—[(ln {hardness}) (0.041838)] .....	CF = 1.101672—[(ln {hardness})(0.041838)]
Lead .....	CF=1.46203—[(ln {hardness})(0.145712)] .....	CF = 1.46203—[(ln {hardness})(0.145712)]

(c) *Applicability.* (1) The criteria in paragraph (b) of this section apply to the State's designated uses cited in paragraph (d) of this section and apply concurrently with any criteria adopted by the State, except when State regulations contain criteria which are more stringent for a particular parameter and use, or except as provided in footnotes p, q, and x to the table in paragraph (b)(1) of this section.

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

(i) For all waters with mixing zone regulations or implementation procedures, the criteria apply at the appropriate locations within or at the boundary of the mixing zones; otherwise the criteria apply throughout the water body including at the point of discharge into the water body.

(ii) The State shall not use a low flow value below which numeric standards can be exceeded that is less stringent than the flows in Table 4 to paragraph (c)(2) of this section for streams and rivers.

(iii) Table 4 to paragraph (c)(2) of this section:

Criteria	Design flow
Aquatic Life Acute Criteria (CMC).	1 Q 10 or 1 B 3
Aquatic Life Chronic Criteria (CCC).	7 Q 10 or 4 B 3
Human Health Criteria .....	Harmonic Mean Flow

NOTE TO TABLE 4 OF PARAGRAPH (c)(2): 1. CMC (Criteria Maximum Concentration) is the water quality criteria to protect against acute effects in aquatic life and is the highest instream concentration of a priority toxic pollutant consisting of a short-term average not to be exceeded more than once every three years on the average.

2. CCC (Continuous Criteria Concentration) is the water quality criteria to protect against chronic effects in aquatic life and is the highest in stream concentration of a priority toxic pollutant consisting of a 4-day average not to be exceeded more than once every three years on the average.

3. 1 Q 10 is the lowest one day flow with an average recurrence frequency of once in 10 years determined hydrologically.

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4. 1 B 3 is biologically based and indicates an allowable exceedence of once every 3 years. It is determined by EPA's computerized method (DFLOW model).

5. 7 Q 10 is the lowest average 7 consecutive day low flow with an average recurrence frequency of once in 10 years determined hydrologically.

6. 4 B 3 is biologically based and indicates an allowable exceedence for 4 consecutive days once every 3 years. It is determined by EPA's computerized method (DFLOW model).

(iv) If the State does not have such a low flow value below which numeric standards do not apply, then the criteria included in paragraph (d) of this section apply at all flows.

(v) If the CMC short-term averaging period, the CCC four-day averaging period, or once in three-year frequency is inappropriate for a criterion or the site to which a criterion applies, the State may apply to EPA for approval of an alternative averaging period, frequency, and related design flow. The State must submit to EPA the bases for any alternative averaging period, frequency, and related design flow. Before approving any change, EPA will publish for public comment, a document proposing the change.

(3) The freshwater and saltwater aquatic life criteria in the matrix in paragraph (b)(1) of this section apply as follows:

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

(ii) For waters in which the salinity is equal to or greater than 10 parts per thousand 95% or more of the time, the applicable criteria are the saltwater criteria in Column C except for selenium in the San Francisco Bay estuary where the applicable criteria are the freshwater criteria in Column B (refer to footnotes p and q to the table in paragraph (b)(1) of this section); and

(iii) For waters in which the salinity is between 1 and 10 parts per thousand as defined in paragraphs (c)(3)(i) and (ii) of this section, the applicable criteria are the more stringent of the freshwater or saltwater criteria. However, the Regional Administrator may approve the use of the alternative freshwater or saltwater criteria if sci-

entifically defensible information and data demonstrate that on a site-specific basis the biology of the water body is dominated by freshwater aquatic life and that freshwater criteria are more appropriate; or conversely, the biology of the water body is dominated by saltwater aquatic life and that saltwater criteria are more appropriate. Before approving any change, EPA will publish for public comment a document proposing the change.

(4) *Application of metals criteria.* (i) For purposes of calculating freshwater aquatic life criteria for metals from the equations in paragraph (b)(2) of this section, for waters with a hardness of 400 mg/l or less as calcium carbonate, the actual ambient hardness of the surface water shall be used in those equations. For waters with a hardness of over 400 mg/l as calcium carbonate, a hardness of 400 mg/l as calcium carbonate shall be used with a default Water-Effect Ratio (WER) of 1, or the actual hardness of the ambient surface water shall be used with a WER. The same provisions apply for calculating the metals criteria for the comparisons provided for in paragraph (c)(3)(iii) of this section.

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

(iii) The criteria for metals (compounds #1—#13 in the table in paragraph (b)(1) of this section) are expressed as dissolved except where otherwise noted. For purposes of calculating aquatic life criteria for metals from the equations in footnote i to the table in paragraph (b)(1) of this section and the equations in paragraph (b)(2) of this section, the water effect ratio is generally computed as a specific pollutant's acute or chronic toxicity value measured in water from the site covered by the standard, divided by the respective acute or chronic toxicity value in laboratory dilution water. To use a water effect ratio other than the default of 1, the WER must be determined as set forth in Interim Guidance on Determination and Use of Water Effect Ratios, U.S. EPA Office of Water,

EPA-823-B-94-001, February 1994, or alternatively, other scientifically defensible methods adopted by the State as part of its water quality standards program and approved by EPA. For calculation of criteria using site-specific values for both the hardness and the water effect ratio, the hardness used in the equations in paragraph (b)(2) of this section must be determined as required in paragraph (c)(4)(ii) of this section. Water hardness must be calculated from the measured calcium and magnesium ions present, and the ratio of calcium to magnesium should be approximately the same in standard laboratory toxicity testing water as in the site water.

(d)(1) Except as specified in paragraph (d)(3) of this section, all waters assigned any aquatic life or human health use classifications in the Water Quality Control Plans for the various Basins of the State ("Basin Plans") adopted by the California State Water Resources Control Board ("SWRCB"), except for ocean waters covered by the

Water Quality Control Plan for Ocean Waters of California ("Ocean Plan") adopted by the SWRCB with resolution Number 90-27 on March 22, 1990, are subject to the criteria in paragraph (d)(2) of this section, without exception. These criteria apply to waters identified in the Basin Plans. More particularly, these criteria apply to waters identified in the Basin Plan chapters designating beneficial uses for waters within the region. Although the State has adopted several use designations for each of these waters, for purposes of this action, the specific standards to be applied in paragraph (d)(2) of this section are based on the presence in all waters of some aquatic life designation and the presence or absence of the MUN use designation (municipal and domestic supply). (See Basin Plans for more detailed use definitions.)

(2) The criteria from the table in paragraph (b)(1) of this section apply to the water and use classifications defined in paragraph (d)(1) of this section as follows:

Water and use classification	Applicable criteria
(i) All inland waters of the United States or enclosed bays and estuaries that are waters of the United States that include a MUN use designation.	(A) Columns B1 and B2—all pollutants (B) Columns C1 and C2—all pollutants (C) Column D1—all pollutants
(ii) All inland waters of the United States or enclosed bays and estuaries that are waters of the United States that do not include a MUN use designation.	(A) Columns B1 and B2—all pollutants (B) Columns C1 and C2—all pollutants (C) Column D2—all pollutants

(3) Nothing in this section is intended to apply instead of specific criteria, including specific criteria for the San Francisco Bay estuary, promulgated for California in the National Toxics Rule at § 131.36.

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

(5) Nothing in this section applies to waters located in Indian Country.

(e) *Schedules of compliance.* (1) It is presumed that new and existing point source dischargers will promptly com-

ply with any new or more restrictive water quality-based effluent limitations ("WQBELs") based on the water quality criteria set forth in this section.

(2) When a permit issued on or after May 18, 2000 to a new discharger contains a WQBEL based on water quality criteria set forth in paragraph (b) of this section, the permittee shall comply with such WQBEL upon the commencement of the discharge. A new discharger is defined as any building, structure, facility, or installation from

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which there is or may be a "discharge of pollutants" (as defined in 40 CFR 122.2) to the State of California's inland surface waters or enclosed bays and estuaries, the construction of which commences after May 18, 2000.

(3) Where an existing discharger reasonably believes that it will be infeasible to promptly comply with a new or more restrictive WQBEL based on the water quality criteria set forth in this section, the discharger may request approval from the permit issuing authority for a schedule of compliance.

(4) A compliance schedule shall require compliance with WQBELs based on water quality criteria set forth in paragraph (b) of this section as soon as possible, taking into account the dischargers' technical ability to achieve compliance with such WQBEL.

(5) If the schedule of compliance exceeds one year from the date of permit issuance, reissuance or modification, the schedule shall set forth interim requirements and dates for their achievement. The dates of completion between each requirement may not exceed one year. If the time necessary for completion of any requirement is more than one year and is not readily divisible into stages for completion, the permit shall require, at a minimum, specified dates for annual submission of progress reports on the status of interim requirements.

(6) In no event shall the permit issuing authority approve a schedule of compliance for a point source discharge which exceeds five years from the date of permit issuance, reissuance, or modification, whichever is sooner. Where shorter schedules of compliance are prescribed or schedules of compliance are prohibited by law, those provisions shall govern.

(7) If a schedule of compliance exceeds the term of a permit, interim permit limits effective during the permit shall be included in the permit and addressed in the permit's fact sheet or statement of basis. The administrative record for the permit shall reflect final permit limits and final compliance dates. Final compliance dates for final permit limits, which do not occur during the term of the permit, must occur within five years from the date of issuance, reissuance or modification of the permit which initiates the compliance schedule. Where shorter schedules of compliance are prescribed or schedules of compliance are prohibited by law, those provisions shall govern.

(8) The provisions in this paragraph (e), Schedules of compliance, shall expire on May 18, 2005.

[65 FR 31711, May 18, 2000, as amended at 66 FR 9961, Feb. 13, 2001; 68 FR 62747, Nov. 6, 2003]

EDITORIAL NOTE: At 66 FR 9961, Feb. 13, 2001, §131.38 was amended in the table to paragraph (b)(1) under the column heading for "B Freshwater" by revising the column headings for "Criterion Maximum Concentration" and "Criterion Continuous Concentration"; under the column heading for "C Saltwater" by revising the column headings for "Criterion Maximum Concentration" and "Criterion Continuous Concentration"; and by revising entries "23." and "67.", effective Feb. 13, 2001. However, this is a photographed table and the amendments could not be incorporated into the text. For the convenience of the user, the amended text is set forth as follows:

**§131.38 Establishment of Numeric Criteria for priority toxic pollutants for the State of California.**

\* \* \* \* \*

(b)(1) \* \* \*

A		B Freshwater		C Saltwater		D Human health (10 <sup>-6</sup> ) risk for carcinogens For consumption of:	
# Compound	CAS number	Criterion maximum conc. (µg/ L) <sup>d</sup> B1	Criterion continous conc. (µg/ L) <sup>d</sup> B2	Criterion maximum conc. (µg/ L) <sup>d</sup> C1	Criterion continous conc. (µg/ L) <sup>d</sup> C2	Water & organisms (µg/L) D1	Organisms only (µg/L) D2
23. Chlorodibromomethane .....	124481	*	*	*	*	a,c 0,41	a,c 34
67. Bis(2-Chloroisopropyl)Ether .....	108601	*	*	*	*	a 1,400	a,t 170,000

Footnotes to table in Paragraph (b)(1):

<sup>a</sup>Criteria revised to reflect the Agency q1\* or RfD, as contained in the Integrated Risk Information System (IRIS) as of October 1, 1996. The fish tissue bioconcentration factor (BCF) from the 1980 documents was retained in each case.

<sup>c</sup>Criteria are based on carcinogenicity of 10<sup>-6</sup> risk.

<sup>d</sup>Criteria Maximum Concentration (CMC) equals the highest concentration of a pollutant to which aquatic life can be exposed for a short period of time without deleterious effects. Criteria Continuous Concentration (CCC) equals the highest concentration of a pollutant to which aquatic life can be exposed for an extended period of time (4 days) without deleterious effects. µg/L equals micrograms per liter.

<sup>t</sup>These criteria were promulgated for specific waters in California in the NTR. The specific waters to which the NTR criteria apply include: Waters of the State defined as bays and estuaries including San Francisco Bay upstream to and including Suisun Bay and the Sacramento-San Joaquin Delta; and waters of the State defined as inland (i.e., all surface waters of the State not bays or estuaries or ocean) without a MUN use designation. This section does not apply instead of the NTR for these criteria.

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**§ 131.40 Puerto Rico**

(a) *Use designations for marine waters.* In addition to the Commonwealth's adopted use designations, the following waterbodies in Puerto Rico have the

beneficial use designated in this paragraph (a) within the bays specified below, and within the Commonwealth's territorial seas, as defined in section 502(8) of the Clean Water Act, and 33 CFR 2.05-5, except such waters classified by the Commonwealth as SB.

Waterbody segment	From	To	Designated use
Coastal Waters .....	500m offshore .....	3 miles offshore .....	Primary Contact Recreation.
Guayanilla & Tallaboa Bays .....	Cayo Parguera .....	Punta Verraco .....	Primary Contact Recreation.
Mayaguez Bay .....	Punta Guanajibo .....	Punta Algarrobo .....	Primary Contact Recreation.
Ponce Port .....	Punta Carenero .....	Punta Cuchara .....	Primary Contact Recreation.
San Juan Port .....	mouth of Río Bayamón .....	Punta El Morro .....	Primary Contact Recreation.
Yabucoa Port .....	Punta Icacos .....	Punta Yeguas .....	Primary Contact Recreation.

(b) *Criteria that apply to Puerto Rico's marine waters.* In addition to all other Commonwealth criteria, the following criteria for bacteria apply to the waterbodies in paragraph (a) of this section:

Bacteria: The fecal coliform geometric mean of a series of representative samples (at least five samples) of the waters taken sequentially shall not exceed 200 colonies/100 ml, and not more than 20 percent of the samples shall exceed 400 colonies/100 ml. The enterococci density in terms of geometric mean of at least five representative samples taken sequentially shall not exceed 35/100 ml. No single sample should exceed the upper confidence limit of 75% using 0.7 as the log standard deviation until sufficient site data exist to establish a site-specific log standard deviation.

(c) *Water quality standard variances.*  
 (1) The Regional Administrator, EPA Region 2, is authorized to grant variances from the water quality standards in paragraphs (a) and (b) of this section where the requirements of this paragraph (c) are met. A water quality standard variance applies only to the permittee requesting the variance and only to the pollutant or pollutants specified in the variance; the underlying water quality standard otherwise remains in effect.

(2) A water quality standard variance shall not be granted if:

(i) Standards will be attained by implementing effluent limitations required under sections 301(b) and 306 of the CWA and by the permittee implementing reasonable best management

practices for nonpoint source control; or

(ii) The variance would likely jeopardize the continued existence of any threatened or endangered species listed under section 4 of the Endangered Species Act or result in the destruction or adverse modification of such species' critical habitat.

(3) A water quality standards variance may be granted if the applicant demonstrates to EPA that attaining the water quality standard is not feasible because:

(i) Naturally occurring pollutant concentrations prevent the attainment of the use;

(ii) Natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating Commonwealth water conservation requirements to enable uses to be met;

(iii) Human caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place;

(iv) Dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the waterbody to its original condition or to operate such modification in a way which would result in the attainment of the use;

(v) Physical conditions related to the natural features of the waterbody, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like

unrelated to water quality, preclude attainment of aquatic life protection uses; or

(vi) Controls more stringent than those required by sections 301(b) and 306 of the CWA would result in substantial and widespread economic and social impact.

(4) *Procedures.* An applicant for a water quality standards variance shall submit a request to the Regional Administrator of EPA Region 2. The application shall include all relevant information showing that the requirements for a variance have been met. The applicant must demonstrate that the designated use is unattainable for one of the reasons specified in paragraph (c)(3) of this section. If the Regional Administrator preliminarily determines that grounds exist for granting a variance, he/she shall provide public notice of the proposed variance and provide an opportunity for public comment. Any activities required as a condition of the Regional Administrator's granting of a variance shall be included as conditions of the NPDES permit for the applicant. These terms and conditions shall be incorporated into the applicant's NPDES permit through the permit reissuance process or through a modification of the permit pursuant to the applicable permit modification provisions of Puerto Rico's NPDES program.

(5) A variance may not exceed five years or the term of the NPDES permit, whichever is less. A variance may be renewed if the applicant reapplies and demonstrates that the use in question is still not attainable. Renewal of the variance may be denied if the applicant did not comply with the conditions of the original variance, or otherwise does not meet the requirements of this section.

[69 FR 3524, Jan. 26, 2004]

**§ 131.41 Bacteriological criteria for those states not complying with Clean Water Act section 303(i)(1)(A).**

(a) *Scope.* This section is a promulgation of the Clean Water Act section 304(a) criteria for bacteria for coastal recreation waters in specific States. It is not a general promulgation of the Clean Water Act section 304(a) criteria

for bacteria. This section also contains a compliance schedule provision.

(b) *Definitions.* (1) *Coastal Recreation Waters* are the Great Lakes and marine coastal waters (including coastal estuaries) that are designated under section 303(c) of the Clean Water Act for use for swimming, bathing, surfing, or similar water contact activities. Coastal recreation waters do not include inland waters or waters upstream from the mouth of a river or stream having an unimpaired natural connection with the open sea.

(2) *Designated bathing beach waters* are those coastal recreation waters that, during the recreation season, are heavily-used (based upon an evaluation of use within the State) and may have: a lifeguard, bathhouse facilities, or public parking for beach access. States may include any other waters in this category even if the waters do not meet these criteria.

(3) *Moderate use coastal recreation waters* are those coastal recreation waters that are not designated bathing beach waters but typically, during the recreation season, are used by at least half of the number of people as at typical designated bathing beach waters within the State. States may also include light use or infrequent use coastal recreation waters in this category.

(4) *Light use coastal recreation waters* are those coastal recreation waters that are not designated bathing beach waters but typically, during the recreation season, are used by less than half of the number of people as at typical designated bathing beach waters within the State, but are more than infrequently used. States may also include infrequent use coastal recreation waters in this category.

(5) *Infrequent use coastal recreation waters* are those coastal recreation waters that are rarely or occasionally used.

(6) *New pathogen discharger* for the purposes of this section means any building, structure, facility, or installation from which there is or may be a discharge of pathogens, the construction of which commenced on or after December 16, 2004. It does not include relocation of existing combined sewer overflow outfalls.



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(7) Existing pathogen discharger for the purposes of this section means any discharger that is not a new pathogen discharger.

(c) EPA's section 304(a) ambient water quality criteria for bacteria. (1) Freshwaters:

A Indicator <sup>d</sup>	B Geometric mean	C Single sample maximum (per 100 ml)			
		C1 Designated bathing beach (75% confidence level)	C2 Moderate use coastal recreation waters (82% confidence level)	C3 Light use coastal recreation waters (90% confidence level)	C4 Infrequent use coastal recreation waters (95% confidence level)
<i>E. coli</i> <sup>e</sup> .....	126/100 ml <sup>a</sup> .....	<sup>b</sup> 235	<sup>b</sup> 298	<sup>b</sup> 409	<sup>b</sup> 575
Enterococci <sup>e</sup> .....	33/100 ml <sup>c</sup> .....	<sup>b</sup> 61	<sup>b</sup> 78	<sup>b</sup> 107	<sup>b</sup> 151

Footnotes to table in paragraph (c)(1):  
 a. This value is for use with analytical methods 1103.1, 1603, or 1604 or any equivalent method that measures viable bacteria.  
 b. Calculated using the following: single sample maximum = geometric mean \* 10<sup>^(confidence level factor \* log standard deviation)</sup>, where the confidence level factor is: 75%: 0.68; 82%: 0.94; 90%: 1.28; 95%: 1.65. The log standard deviation from EPA's epidemiological studies is 0.4.  
 c. This value is for use with analytical methods 1106.1 or 1600 or any equivalent method that measures viable bacteria.  
 d. The State may determine which of these indicators applies to its freshwater coastal recreation waters. Until a State makes that determination, *E. coli* will be the applicable indicator.  
 e. These values apply to *E. coli* or enterococci regardless of origin unless a sanitary survey shows that sources of the indicator bacteria are non-human and an epidemiological study shows that the indicator densities are not indicative of a human health risk.

(2) Marine waters:

A Indicator	B Geometric mean	C Single sample maximum (per 100 ml)			
		C1 Designated bathing beach (75% confidence level)	C2 Moderate use coastal recreation waters (82% confidence level)	C3 Light use coastal recreation waters (90% confidence level)	C4 Infrequent use coastal recreation waters (95% confidence level)
Enterococci <sup>c</sup> .....	35/100 ml <sup>a</sup> .....	<sup>b</sup> 104	<sup>b</sup> 158	<sup>b</sup> 276	<sup>b</sup> 501

Footnotes to table in paragraph (c)(2):  
 a. This value is for use with analytical methods 1106.1 or 1600 or any equivalent method that measures viable bacteria.  
 b. Calculated using the following: single sample maximum = geometric mean \* 10<sup>^(confidence level factor \* log standard deviation)</sup>, where the confidence level factor is: 75%: 0.68; 82%: 0.94; 90%: 1.28; 95%: 1.65. The log standard deviation from EPA's epidemiological studies is 0.7.  
 c. These values apply to enterococci regardless of origin unless a sanitary survey shows that sources of the indicator bacteria are non-human and an epidemiological study shows that the indicator densities are not indicative of a human health risk.

(3) As an alternative to the single sample maximum in paragraph (c)(1) or (c)(2) of this section, States may use a site-specific log standard deviation to calculate a single sample maximum for individual coastal recreation waters, but must use at least 30 samples from a single recreation season to do so.

(d) *Applicability.* (1) The criteria in paragraph (c) of this section apply to the coastal recreation waters of the States identified in paragraph (e) of this section and apply concurrently with any ambient recreational water criteria adopted by the State, except for those coastal recreation waters where State regulations determined by EPA to meet the requirements of Clean

Water Act section 303(i) apply, in which case the State's criteria for those coastal recreation waters will apply and not the criteria in paragraph (c) of this section.

(2) The criteria established in this section are subject to the State's general rules of applicability in the same way and to the same extent as are other Federally-adopted and State-adopted numeric criteria when applied to the same use classifications.

(e) *Applicability to specific jurisdictions.* (1) The criteria in paragraph (c)(1) of this section apply to fresh coastal recreation waters of the following States: Illinois, Minnesota, New York, Ohio, Pennsylvania, Wisconsin.

(2) The criteria in paragraph (c)(2) of this section apply to marine coastal recreation waters of the following States: Alaska, California (except for coastal recreation waters within the jurisdiction of Regional Board 4), Florida, Georgia, Hawaii (except for coastal recreation waters within 300 meters of the shoreline), Louisiana, Maine (except for SA waters and SB and SC waters with human sources of fecal contamination), Maryland, Massachusetts, Mississippi, New York, North Carolina, Oregon, Puerto Rico (except for waters classified by Puerto Rico as intensely used for primary contact recreation and for those waters included in §131.40), Rhode Island, United States Virgin Islands.

(f) *Schedules of compliance.* (1) This paragraph (f) applies to any State that does not have a regulation in effect for Clean Water Act purposes that authorizes compliance schedules for National Pollutant Discharge Elimination System permit limitations needed to meet the criteria in paragraph (c) of this section. All dischargers shall promptly comply with any new or more restrictive water quality-based effluent limitations based on the water quality criteria set forth in this section.

(2) When a permit issued on or after December 16, 2004, to a new pathogen discharger as defined in paragraph (b) of this section contains water quality-based effluent limitations based on water quality criteria set forth in paragraph (c) of this section, the permittee shall comply with such water quality-based effluent limitations upon the commencement of the discharge.

(3) Where an existing pathogen discharger reasonably believes that it will be infeasible to comply immediately with a new or more restrictive water quality-based effluent limitations based on the water quality criteria set forth in paragraph (c) of this section, the discharger may request approval from the permit issuing authority for a schedule of compliance.

(4) A compliance schedule for an existing pathogen discharger shall require compliance with water quality-based effluent limitations based on water quality criteria set forth in paragraph (c) of this section as soon as possible, taking into account the dis-

charger's ability to achieve compliance with such water quality-based effluent limitations.

(5) If the schedule of compliance for an existing pathogen discharger exceeds one year from the date of permit issuance, reissuance or modification, the schedule shall set forth interim requirements and dates for their achievement. The period between dates of completion for each requirement may not exceed one year.

If the time necessary for completion of any requirement is more than one year and the requirement is not readily divisible into stages for completion, the permit shall require, at a minimum, specified dates for annual submission of progress reports on the status of interim requirements.

(6) In no event shall the permit issuing authority approve a schedule of compliance for an existing pathogen discharge which exceeds five years from the date of permit issuance, reissuance, or modification, whichever is sooner.

(7) If a schedule of compliance exceeds the term of a permit, interim permit limits effective during the permit shall be included in the permit and addressed in the permit's fact sheet or statement of basis. The administrative record for the permit shall reflect final permit limits and final compliance dates. Final compliance dates for final permit limits, which do not occur during the term of the permit, must occur within five years from the date of issuance, reissuance or modification of the permit which initiates the compliance schedule.

[69 FR 67242, Nov. 16, 2004]

## PART 132—WATER QUALITY GUIDANCE FOR THE GREAT LAKES SYSTEM

### Sec.

132.1 Scope, purpose, and availability of documents.

132.2 Definitions.

132.3 Adoption of criteria.

132.4 State adoption and application of methodologies, policies and procedures.

132.5 Procedures for adoption and EPA review.

132.6 Application of part 132 requirements in Great Lakes States and Tribes.