

WATER POLLUTION CONTROL

“Criteria” means ground water quality criteria.

“Department” means the New Jersey Department of Environmental Protection and Energy.

“Designated use” means a present or potential use of ground water which is to be maintained, restored and enhanced within a ground water classification area, as determined by N.J.A.C. 7:9-6.5. Designated uses may include any human withdrawal of ground water (for example, for potable, agricultural and industrial water), the discharge of ground water to surface waters of the State which support human use or ecological systems, or the direct support of ecological systems.

“Discharge” means an intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of a pollutant at any time into the waters of the State, onto land or into wells from which it might flow or drain into said waters, or into waters or onto lands outside the jurisdiction of the State, which pollutant enters the waters of the State. “Discharge” includes, without limitation, the release of any pollutant into a municipal treatment works.

“Discharger” means any person, corporation, municipality, government agency or authority or other legal entity, who causes or allows a discharge, either through action or omission.

“Extensive exceedance”, as used in N.J.A.C. 7:9-6.10, means a condition where ground water quality in an area exceeds the criteria of N.J.A.C. 7:9-6.7 for one or more contaminants over the vast majority of the subject area for such contaminant(s) and that such exceedances are not attributable to the past or present discharges of a single discharger or any group of active NJPDES permitted discharges.

“FW1” means those surface fresh waters defined as such in the Surface Water Quality Standards, N.J.A.C. 7:9-4, and shown on maps maintained by the Department.

“Ground water” means the portion of water beneath the land surface that is within the saturated zone.

“Hazardous pollutant” means:

1. Any toxic pollutant;
2. Any substance regulated as a pesticide under the Federal Insecticide, Fungicide and Rodenticide Act, Pub. L.92-516 (7 U.S.C. § 136 et seq.);
3. Any substance the use or manufacture of which is prohibited under the Federal Toxic Substances Control Act, Pub.L.94-469 (15 U.S.C. § 2601 et seq.);
4. Any substance identified as a known carcinogen by the International Agency for Research on Cancer;

5. Any hazardous waste as designated pursuant to section 3 of P.L. 1981, c.279 (N.J.S.A. 13:1E-51) or the “Resource Conservation and Recovery Act,” Pub. L.94-580 (42 U.S.C. § 6901 et seq.); or

6. Any hazardous substance as defined pursuant to section 3 of P.L. 1976, c.141 (N.J.S.A. 58:10-23.11b).

“Industrial water” means water used for processing, heating or cooling in a manufacturing process.

“Natural Area” means an area of land or water, designated by the Department under N.J.A.C. 7:2-11 and shown on maps maintained by the Office of Natural Lands Management, Division of Parks and Forestry, of the Department, which is owned in fee simple or in which a conservation easement is held by the Department.

“Natural quality” means the concentration or level of constituents which occurs in ground water of a hydrologic unit without the influence of human activity, other than the effects of regional precipitation of air pollutants (for example, acid precipitation). The natural quality for SOCs is established as zero (0.0) except where the SOCs are the result of air transport from outside the State, enter the State from ground water transport of pollutants having their origins in other states, or are created entirely by natural processes. Where natural quality for other constituents is not ascertainable from generally acceptable scientific studies, the lowest concentrations known to exist within the same or a similar hydrologic unit and setting (that is, depth) within the classification area shall be used to represent the natural quality, provided, however, that for pH, corrosivity and hardness, the most representative concentration shall be used.

“NJPDES” means the New Jersey Pollutant Discharge Elimination System (N.J.A.C. 7:14A).

“NJPDES permit action” means a draft or final NJPDES permit, a permit equivalent, or a decision that a discharge is not to be regulated by NJPDES, as determined pursuant to the NJPDES regulations.

“Organoleptic effect” means an offensive taste, foul odor or other adverse aesthetic consequence caused by pollutants in a water supply and rendering the water supply unfit for potable use.

“PQL” means practical quantitation level.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal or agricultural or other residue discharged into the waters of the State. “Pollutant” includes both hazardous and nonhazardous pollutants. “Industrial, municipal or agricultural or other residue” specifically includes, without limitation, con-

stituents that are not considered wastes (that is, process chemicals) prior to discharge, but which are discharged and may or do degrade natural or existing ground water quality.

“Potable water” means water suitable for household consumption, primarily as drinking water, based upon human health, welfare and aesthetic considerations.

“Practical quantitation level” (PQL) means the lowest concentration of a constituent that can be reliably achieved among laboratories within specified limits of precision and accuracy during routine laboratory operating conditions. “Specified limits of precision and accuracy” are the criteria which have been included in applicable regulations including, but not limited to, those regulations listed at N.J.A.C. 7:9-6.9 or are listed in the calibration specifications or quality control specifications of an analytical method.

“Saturated zone” means the zone in which all the subsurface voids in the rock or soil are filled with water.

“SOC” means Synthetic Organic Chemical.

“Soils” means any naturally occurring or man-made unconsolidated mineral and organic matter on the surface of the earth that has been subjected to and influenced by geologic and environmental factors. “Soils” also includes fill or overburden.

“Source water” means the supply source of water (for example, private wells, public water supply) to a discharger, where the source water becomes part of a discharge.

“Surface waters” means water at or above the land’s surface which is neither ground water nor contained within the unsaturated zone, including, but not limited to, the ocean and its tributaries, all springs, streams, rivers, lakes, ponds, wetlands, and artificial waterbodies.

“Synthetic organic chemicals” (SOCs) means any compounds that contain at least one carbon atom and that result from purposeful chemical synthesis, whether as products, by-products, or waste, or from the purposeful refinement of naturally occurring substances. Where a chemical substance is sometimes found in nature and sometimes synthesized, it shall be considered an SOC only to the extent or in the proportion produced or isolated by human activity. Naturally occurring organic chemicals in their natural location are not considered a pollutant pursuant to the Ground Water Quality Standards. An SOC may be considered to be in its natural location, if, by background sampling and modeling, it is shown that such SOC has migrated to that point from the place it naturally occurred.

“Technologically practicable means” means the best available treatment or remedial technology, from an engineering perspective; “best” means that technology which achieves the most stringent numerical values attainable for a constituent at a contaminated site or for a NJPDES-regulated discharge; “available” means field-demonstrated technology although such technology need not be in common commercial use.

“Toxic pollutant” means any pollutant identified pursuant to the Federal Water Pollution Control Act Amendments of 1972 (Pub.L.92-500, 33 U.S.C. § 1251 et seq.), or any pollutant or combination of pollutants, including disease causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly or indirectly by ingestion through food chains, will, on the basis of information available to the Department, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformation, in such organisms or their offspring.

“USEPA” means the United States Environmental Protection Agency.

“Unsaturated zone” (vadose zone) means the subsurface volume between the land’s surface and the top of a saturated zone.

“Water quality criteria” means the designated levels or concentrations of constituents that, when not exceeded, will not prohibit or significantly impair a designated use of water. Criteria may be “specific” (listed for each constituent in Table 1), “interim specific” (derived using a standard method, for constituents not listed in Table 1), or “interim generic” (as listed for carcinogenic and non-carcinogenic Synthetic Organic Compounds in Table 2).

“Waters of the State” means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of this State or subject to its jurisdiction.

“Zone of Contribution” means the volume of a geologic formation or unit that directly contributes ground water to a pumping well over time, or a Well Head Protection Area as defined by the Department pursuant to the Federal Safe Drinking Water Act, Amendments of 1986.

Administrative Corrections to “constituent,” “hazardous pollutant”.
See: 25 N.J.R. 1552(a).
Amended by R.1993 d.610, effective December 6, 1993.
See: 24 N.J.R. 3983(a), 25 N.J.R. 5569(a).

7:9-6.5 Ground water classification system and designated uses

(a) Ground water shall be classified according to the hydrogeologic characteristics of the ground water resource and the designated use(s) which are to be maintained, restored and enhanced within the classification area. Classifications shall be regional in nature and shall not reflect localized infringements on designated uses due to natural quality or pollution incidents. Ground water users should not assume that existing ground water quality everywhere meets the criteria for classification areas established herein, in view of the potential for variations in natural quality or for localized pollution caused by human activity. Additional uses may be made of ground water in any classification area, subject to applicable Department rules, but these uses are not directly protected through this subchapter.

(b) The Department shall preferentially protect the primary designated use for each classification area, and shall protect any secondary designated uses to the extent that such uses are viable using water of sufficient quality for the primary use and that the primary use is not impaired.

(c) There shall be three major classes of ground water, as defined in (d) through (f) below. They are:

Class I Ground Water of Special Ecological Significance

Class II Ground Water for Potable Water Supply

Class III Ground Water With Uses Other Than Potable Water Supply

(d) The primary designated use for Class I ground water shall be the maintenance of special ecological resources supported by the ground water within the classification area. Secondary designated uses shall be potable water, agricultural water and industrial water to the extent that these uses are viable using water of natural quality and do not impair the primary use, such as by altering ground water quality.

1. Class I-A—Exceptional Ecological Areas: Class I-A ground water shall consist of all ground waters within those classification areas, listed at (d)1iii below or designated by the Department through the reclassification procedure in N.J.A.C. 7:9-6.10, which satisfy either (d)1i or ii below. In addition, ground waters within those areas listed in (d)1iii below are classified as Class I-A ground waters, because the Department has determined that they satisfy the requirements of either (d)1i or ii below. The Department may approve a Class I-A classification area if the ground water within that area:

i. Contributes to the transmittal of ground water to surface water in FW1 watersheds; and

(1) The area involved is under government ownership (fee simple or conservation easement); or

(2) Is owned by a private entity that petitions the Department for reclassification of the property to Class I-A pursuant to N.J.A.C. 7:9-6.10; or

ii. Contributes to the transmittal of ground water to the land surface or to surface water in areas of exceptional ecological value. Areas of exceptional ecological value satisfy the conditions described in (d)1ii(1), (2) or (3) below, and also satisfy the conditions described in both (d)1ii(4) and (5) below:

(1) Support threatened or endangered species as determined by the United States Department of the Interior pursuant to the Endangered Species Act, 16 U.S.C. 1531 et seq., or by the Department pursuant to the Endangered and Nongame Species Conservation Act, N.J.S.A. 23:2A-1 et seq.

(2) Support biotic communities within Natural Areas.

(3) Serve other exceptional ecological values such as being a part of or supporting state, nationally or internationally rare, threatened or endangered habitats where there is a significant risk that ground water pollution would impair or imperil the ecological values.

(4) The quality and transmittal of ground water is essential to the survival or maintenance of the exceptional ecological resource contained within the classification area.

(5) The area involved is of sufficient size to provide meaningful control of ground water quality to protect the target resource, based upon the biotic resource and local hydrogeology and is under government ownership (fee simple or conservation easement), or is owned by a private entity that petitions the Department for reclassification of the property to Class I-A pursuant to N.J.A.C. 7:9-6.10.

iii. Ground water within the following areas are herein classified as Class I-A:

(1) Watersheds of FW1 surface waters;

(2) The following Natural Areas as designated by the Department pursuant to N.J.A.C. 7:2-11:

Absegami Natural Area

Allamuchy Natural Area

Batsto Natural Area

Bearfort Mountain Natural Area

Bear Swamp East Natural Area

Black River Natural Area

Cape May Point Natural Area

Cedar Swamp Natural Area

Cheesequake Natural Area

Cook Natural Area

Dryden Kuser Natural Area

Dunnfield Creek Natural Area

Farny Natural Area

Hacklebarney Natural Area

Island Beach Northern Natural Area

Island Beach Southern Natural Area

Ken Lockwood Gorge Natural Area

Manahawkin Natural Area

Oswego River Natural Area

Parvin Natural Area

Ramapo Lake Natural Area

Rancocas Natural Area
 Sunfish Pond Natural Area
 Swimming River Natural Area
 Tillman Ravine Natural Area
 Troy Meadows Natural Area
 Washington Crossing Natural Area
 Wawayanda Hemlock Ravine Natural Area
 Wawayanda Swamp Natural Area
 Whittingham Natural Area

2. Class I-PL—Pinelands: The classification area for Class I-PL consists of all ground water in the Cohansey and Kirkwood Formations located within the Pinelands area as designated by the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq. (as indicated in figure 1 in the Appendix, incorporated herein by reference), other than those ground water areas classified as Class I-A.

i. Class I-PL (Preservation Area): The primary designated use is the support and preservation of unique and significant ecological resources of the Pinelands, through the restoration, maintenance and preservation of ground water quality in its natural state. Secondary designated uses include compatible agricultural uses in conformance with N.J.A.C. 7:50-6 et seq. and potable water uses.

ii. Class I-PL (Protection Area): The primary designated use is the preservation of Pinelands plant and animal species and their habitats through the protection and maintenance of the essential characteristics of Pinelands ground water quality. Secondary designated uses include potable and agricultural water.

(e) Class II ground waters have a designated use of the provision of potable ground waters with conventional water supply treatment, either at their current water quality (Class II-A) or subsequent to enhancement or restoration of regional water quality so that the water will be of potable quality with conventional water supply treatment (Class II-B). Both existing and potential potable water uses are included in the designated use.

1. Class II-A shall consist of all ground water of the State, except for ground water designated in Classes I, II-B or III. The primary designated use for Class II-A ground water shall be potable water and conversion (through conventional water supply treatment, mixing or other similar technique) to potable water. Class II-A secondary designated uses include agricultural water and industrial water.

2. Specific Class II-B areas, designated uses and constituent standards will be established through rule or through reclassification pursuant to N.J.A.C. 7:9-6.10. The designated uses of Class II-B areas generally may include any reasonable use (other than potable use). Designated uses of Class II-B ground water shall not exacerbate existing ground water pollution or impede the ability to enhance or restore the quality of the ground water so that it will be potable or convertible to potable use with conventional water supply treatment, mixing or other similar techniques. Class II-B shall consist only of ground waters:

i. That exhibit extensive exceedance of one or more of the ground water quality criteria in N.J.A.C. 7:9-6.7(c) within the proposed Class II-B area, due to past discharges of ground water pollutants;

ii. Where restoration of the ground water, where polluted, cannot be achieved using technologically practicable means;

iii. Where the conditions listed in (e)2(1) through (4) below exist within the proposed Class II-B area, and there is no indication in the projections of the Department, public water supply systems serving the area, or municipalities of the area that those conditions will cease to exist within the next 25 years:

(1) No public community water supply well or Zone of Contribution for such a well exists;

(2) Less than five percent of the potable water supply for the area subject to the petition is derived from ground water from within the proposed Class II-B area;

(3) Less than five percent of the potable water supply for any municipality (or portion thereof) within the Class II-B area is derived from ground water from within the proposed Class II-B area; and

(4) No significant concentration of domestic water supply wells exists;

iv. Where no significant risk of pollution migration into Class I or II-A areas exists;

v. Where a reliance on natural attenuation processes can be relied on over the vast majority of the area for the restoration of ground water quality for criteria identified pursuant to (e)2i above and does not pose a significant risk to public health, safety and welfare; and

vi. Where the reclassification requirements of N.J.A.C. 7:9-6.10 are met.

3. Class II-B Classification Areas—(Reserved)

(f) The Class III ground waters are not suitable for potable water due to natural hydrogeologic characteristics or natural water quality. Class III includes geologic formations or units that are aquitards or have a natural quality that is unsuitable for conversion to potable water (for example, saline ground water).

1. Class III-A ground water consists of ground water in those aquitards that are described below. The primary designated use for Class III-A ground water is the release or transmittal of ground water to adjacent classification areas and surface water, as relevant. Secondary designated uses in Class III-A include any reasonable uses. Class III-A ground water includes portions of the saturated zones (that meet the criteria below) of the Woodbury Formation, Merchantville Formation, Marshalltown Formation, Navesink Formation, Hornerstown Formation, aquitard formations of the Potomac-Raritan-Magothy aquifer system and the Kirkwood aquifer system, portions of the glacial moraine and glacial lake deposits, and other geologic units having the characteristics of an aquitard, excepting Class I areas. These named aquitards (excluding glacial units) outcrop approximately in municipalities depicted in Figure 2 in the Appendix. Class III-A areas shall have the following characteristics:

- i. Average at least 50 feet in thickness within the Class III-A area;
- ii. Have a typical hydraulic conductivity of approximately 0.1 ft/day or less within the Class III-A area; and
- iii. Have an areal extent within the Class III-A area of at least 100 acres.

2. Any interested party may provide evidence to the Department to demonstrate that an area meets the descriptive criteria of Class III-A. Upon review and verification of such evidence the Department may provide concurrence that the Class III-A classification applies to the area of interest.

3. Class III-B ground water consists of all geologic formations or units which contain ground water having natural concentrations or regional concentrations (through the action of salt-water intrusion) exceeding 3,000 mg/l Chloride or 5,000 mg/l Total Dissolved Solids, or where the natural quality of ground water is otherwise not suitable for conversion to potable uses. The designated uses for Class III-B ground water consist of any reasonable uses for such ground water other than potable water, using water of existing quality. The classification area includes ground water in parts of formations as indicated in Figures 3 through 5 in the Appendix.

4. Class III-B areas are subject to field verification wherever necessary. Areas not indicated on the maps may also qualify as Class III-B, subject to Department concurrence through an applicable regulatory program. The precise borders of Class III-B areas shall be confirmed using site specific data in the context of applicable regulatory programs. Any interested party may provide evidence to the Department to demonstrate that an area meets the descriptive criteria of Class III-B. Upon review and verification of such evidence the Department may provide concurrence that the Class III-B classification applies to the area of interest.

Petition for Rulemaking.
See: 30 N.J.R. 3552(b).

7:9-6.6 Exceptions to the classification system

(a) The Department may establish a Classification Exception Area only when the Department determines that constituent standards for a given classification are not being met or will not be met in a localized area due to: natural quality; localized effects of a discharge approved through a NJPDES permit action; pollution caused by human activity within a contaminated site as defined by the Department in the context of an applicable regulatory program (for example, Site Remediation Program Oversight Document); or an ACL as approved by the Department pursuant to NJPDES. In the context of an applicable regulatory program, the Department shall determine or describe appropriate boundaries for each Classification Exception Area and include the written description of the boundaries in the appropriate oversight document or permit action along with specifications as to which constituents the exception applies. Classification Exception Areas may only be established when constituent standards are not being met or will not be met due to the conditions set forth above and shall not be established for the purpose of sanctioning violations of constituent standards.

(b) Where natural quality for any constituent contravenes the criteria established in N.J.A.C. 7:9-6.7 such that the primary designated use is not viable within a limited area, the Department may establish a Classification Exception Area within which the Department shall define appropriate designated uses and constituent standards, based upon the natural quality. Such Classification Exception Areas shall remain in effect as long as the primary designated use of the original classification area is not viable using ground water at natural quality.

(c) Where the Department defines, through a NJPDES permit action, an area of temporary noncompliance with specific constituent standards related to the localized effects of a permitted discharge, the ground water within that area of noncompliance shall be a Classification Exception Area for those constituents only. All other constituent standards shall apply within the Classification Exception Area. All designated uses in these Classification Exception Areas will be suspended during the life of the Classification Exception Area. Constituent standards of the surrounding classification area shall apply at the perimeter of the Classification Exception Area for the specified constituents. The Classification Exception Area shall have the same life as the approved NJPDES permit action, after which the original classification, designated uses and constituent standards shall apply.

(d) Where a discharge has resulted or will result in localized ground water quality that contravenes one or more constituent standards, the Department may define that area as a Classification Exception Area for specified constituents pursuant to (or in accordance with) a NJPDES permit

action or a Department-approved remedial action in the context of an applicable regulatory program. All other constituent standards shall apply within the Classification Exception Area. All designated uses in each Classification Exception Area will be suspended during the life of the Classification Exception Area. Constituent standards of the surrounding classification area shall apply at the perimeter of the Classification Exception Area for the specified constituents. The Department shall restrict or require the restriction of potable ground water uses within any Classification Exception Area where there is or will be an exceedance of the Primary Drinking Water Quality Standards (in N.J.A.C. 7:10). Where the Department defines the Classification Exception Area through a NJPDES permit action, the Classification Exception Area shall have the same life as the approved NJPDES permit action, after which the original classification, designated uses and constituent standards shall apply. Other regulatory actions creating the Classification Exception Area shall specify the longevity of the exception, after which the original classification, designated uses and constituent standards shall be applicable.

Case Notes

Department of Environmental Protection's arsenic discharge standard refers to more than just inorganic arsenic. Matter of Vineland Chemical Co. (Vichem), 243 N.J.Super. 285, 579 A.2d 343 (A.D.1990) certification denied 127 N.J. 323, 604 A.2d 598.

Department of Environmental Protection could interpret administrative consent order to allow elevated arsenic discharge during testing only after the department determined that the manufacturer could achieve the lower standard. Matter of Vineland Chemical Co. (Vichem), 243 N.J.Super. 285, 579 A.2d 343 (A.D.1990) certification denied 127 N.J. 323, 604 A.2d 598.

7:9-6.7 Ground water quality criteria

(a) Ground water quality criteria for Class I-A areas shall be the natural quality for each constituent. Class I-A is a nondegradation classification where natural quality shall be maintained or restored. The Department shall not approve any discharge to ground water nor approve any human activity which results in a degradation of natural quality within a Class I-A classification area.

(b) Ground water quality criteria for Class I-PL are as follows:

1. Within Class I-PL (Preservation Area), ground water quality criteria shall be the natural quality for each constituent. Class I-PL (Preservation Area) is a nondegradation classification in which natural quality shall be maintained or restored. The Department shall not approve any discharge or any other activity which would result in the degradation of natural quality within a Class I-PL (Preservation Area) classification area. However, the provisions of this paragraph (b)1 shall not apply to activities that are in conformance with N.J.A.C. 7:50-6 et seq.

2. Ground water quality criteria for Class I-PL (Protection Area) shall be the background water quality. The Department shall not approve any discharge or any other activity which would result in the degradation of background water quality in the Class I-PL (Protection Area) classification area. However, the provisions of this paragraph (b)2 shall not apply to activities that are in conformance with N.J.A.C. 7:50-6 et seq.

3. The Department shall not approve any discharge to ground water within the Class I-PL classification area which results in a violation of the Surface Water Quality Standards applicable to the Pinelands National Reserve, as established in N.J.A.C. 7:9-4 or successor rules.

(c) Ground water quality criteria for Class II-A are as follows:

1. Specific criteria for ground water quality in Class II-A areas are listed in Table 1 in the Appendix.

2. Where a specific criterion is not listed for a constituent in Table 1, the Department may establish interim specific criteria for Class II-A ground water based upon the weight of evidence available regarding each constituent's carcinogenicity, toxicity, public welfare or organoleptic effects, as appropriate for the protection of the potable water use. Interim specific criteria may be established on a case by case basis using the methods listed in (c)3 below, which are the same methods applied to the development of the specific criteria in Table 1. Interim specific criteria shall be replaced with specific criteria as soon as reasonably possible by rule.

3. Interim specific criteria may be derived by the Department for any constituent, in accordance with the methodologies in (c)5 below, and using the risk assessment approach in (c)4 below. The Department shall maintain and make available to the public a listing of all interim specific criteria and the supplemental information used in their derivation.

- i. The human health-based criteria are derived from the toxicity factor (carcinogenic potency slope or Reference Dose), the exposure assumptions for drinking water and a relative source contribution factor (for non-carcinogens) which is used to account for the contribution from other sources of exposure including air and food. The Department assumes a 20 per cent relative source contribution factor when sufficient quantitative data are not available on the contribution of each source of exposure. Data sources for carcinogenic potency slope or Reference Dose shall be used in the following order of priority:

- (1) Information which forms the basis for drinking water standards adopted by the Department pursuant to the Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq.;

(2) The United States Environmental Protection Agency (USEPA) Integrated Risk Information System (IRIS) data base;

(3) The USEPA's Health Effects Assessment Summary Tables (HEAST);

(4) The Department may develop health-based criteria which differ from those based on the sources cited in (c)3i(1) through (3) above if warranted by convincing scientific evidence. For contaminants which are not addressed in the sources cited in (c)3i(1) through (3) above, the Department may develop health-based criteria based on review of pertinent scientific data.

ii. The final calculations are rounded to one significant figure for deriving the criteria for each chemical.

4. The risk assessment approach for derivation of the health-based criteria for each contaminant will be determined by its strength of evidence (see 50 FR 46880, 46884-86 (1985), National Primary Drinking Water Regulations, Volatile Synthetic Organic Chemicals, and any successor documents) for human carcinogenicity, the risk levels given below, and the exposure assumptions and models listed in (c)3 above.

i. For contaminants classified in Group A or Group B, the Class II-A criteria are calculated from the potency factor based on additional lifetime cancer risk of 1×10^{-6} .