

III. Water Quality Listings by Category

E. Overview of Category 2 – Waters of Concern

Sometimes data that are not sufficient for listing a waterbody segment as impaired may still raise a concern about water quality. Examples of this include:

- The data show some exceedances of an applicable water quality standard, but not enough exceedances as required for listing as impaired
- The data shows exceedances, but there are too few samples to gain confidence that it is not a random sampling or analysis error
- The data suggest impairment, but there is substantial contradictory data
- The data suggest impairment, but there are problems regarding quality assurance, sampling, laboratory procedure, or similar issues, or
- Narrative information raises concerns, but is not sufficient for listing as impaired. This includes segments that are near or between impaired segments and are believed to also be impaired, but that have insufficient data to include them as part of an extended segment or to place them on the 303(d) list even as part of an extended segment.

In these and similar cases, the waterbody segment will be placed in the *Waters of Concern* category. Some specific situations when segments should be included in this category are described in Part 9 on *Assessment Criteria*. Situations not specifically described will be assessed by Ecology on a case-by-case basis.

This category is not designed for all cases with less than absolute certainty nor for cases with a mere lack of evidence. Instead, it is for when some credible data create significant concerns of possible impairment to characteristic uses, but fall short of demonstrating impairment. To place a water in this category first requires a decision that no impairment can be shown according to this policy, and thus that the water should not be on the 303(d) list. Once that decision is made, waters will be placed in the *Waters of Concern* category when there are remaining concerns that reduce confidence that the tested standards are in fact met. Waters for which there is merely insufficient data to determine whether a water quality standard is attained, but also with no evident cause for concern, will be placed in the *No Data* category.

The *Waters of Concern* category is intended to help Ecology and the public be aware of, track, and investigate these water quality concerns. No TMDL or other pollution control actions are mandated for these waters. The list of waters placed in the *Waters of Concern* category will be forwarded to sections of Ecology and to other agencies that have existing programs to confirm or refute possible impairment. It also will be forwarded to Ecology's permit writers for consideration of the concerns when preparing wastewater discharge permits. As with all receiving waters, the permit writers will review the data and – as part

of the normal permitting process – will apply all available tools (such as receiving water studies, engineering reports, monitoring requirements, and effluent limits) to ensure that the permitted discharge is appropriate to the specific circumstances.

In addition, Ecology intends to, where possible, incorporate this category as a factor in determining priorities for grant funding (including for the Centennial Clean Water Fund and Section 319 grants and State Revolving Fund loans), monitoring projects (such as siting of ambient monitoring stations), and other voluntary water quality efforts. Ecology and others also should pursue as many opportunities as possible to conduct additional monitoring and sampling, incorporate the waterbody into existing studies, or find other means to confirm (and correct) or refute the suspected problem.