

III. Water Quality Listings by Category

D. Overview of Category 4C – Impaired by a Non-Pollutant

This category acknowledges that some water quality impairments are not appropriate for a 303(d) listing, because a TMDL is not the appropriate way to deal with it. These waters are still impaired; inclusion in this category should not be considered to deny nor excuse the water quality problems evident. However, for the reasons described below, the means of addressing the problems will not include a 303(d) listing.

Some characteristic uses of a waterbody segment may be impaired due to aquatic habitat degradation that is not the result of a pollutant. When data show that a waterbody segment is impaired for such reasons, it will be placed in the *Impaired by a Non-Pollutant* category. A listing is not required because a TMDL would be ineffective in addressing this type of water quality problem. This is not part of the 303(d) list. Under federal rules, pollution is defined as any impairment of beneficial uses of water. Most pollution is caused by pollutants, which are defined as inputs that are discharged or otherwise introduced into the water, such as toxic chemicals, waste material, nutrients, sediments, and heat. However, pollution can also be caused by things that are not pollutants, as legally defined. Some examples of non-pollutants that nonetheless cause impairment, and thus cause pollution, are:

- Physical habitat alterations, including:
 - Stream channelization
 - Loss of spawning gravels
 - Reduced pool/riffle ratios
 - Loss of large woody debris
- Physical barriers to fish migration, such as dams and culverts
- Loss of habitat due to invasive exotic species
- Flow alterations, including low flows and flashier systems
- Impaired biologic communities, when the impairment is not linked or suspected to be linked to a pollutant

TMDLs are designed to allocate the input of pollutants among sources. In the case of non-pollutants, the cause of the impairment cannot be allocated, so the TMDL process is not appropriate. Other state and federal requirements, including other applications of the state water quality standards and other requirements to satisfy those standards, may apply.

If both a pollutant and a non-pollutant are involved with the same impairment or in the same waterbody segment, then the pollutant will be assessed separately and, if it exceeds the water quality standards according to this policy, the segment will be placed on the 303(d) list due to the pollutant. For example, low flow of water is a non-pollutant, but if

low flow leads to high water temperatures, then the water can be listed for temperature (heat being the pollutant). Also, if channelization of a stream (a non-pollutant) leads to deposition of sediment (a pollutant), then a listing could be based on excessive sediment that impairs habitat use of the stream. In such cases, the existence of non-pollutants that affect water quality does not alter the applicable water quality standards nor the manner in which the assessment process is applied with regard to pollutants.

A determination of impairment can be made based on either numeric or narrative information. If the source of impairment is unidentified but is suspected to be a non-pollutant, instead of a pollutant, the segment will be placed in this category.

The list of waters placed in the *Impaired by a Non-Pollutant* will be forwarded to sections of Ecology and to other agencies that have existing programs to address the identified causes of impairment. In addition, all interested parties are encouraged to monitor waters placed in the category and to include them in any water quality management actions or programs that could improve water quality or eliminate impairment of characteristic uses. This might include basin plans, road management plans and improvements, or habitat restoration projects.

Programs in place to deal with *habitat* issues

Washington's Watershed Planning Act

The 1998 legislature passed ESHB 2514, codified into **RCW 90.82**, to set a framework for developing local solutions to watershed issues on a watershed basis. The law provides a process to allow citizens in a watershed to join together to assess the status of the water resources in their watershed and determine how best to manage them. The plans must balance competing resource demands. They are required to address water quantity by undertaking an assessment of water supply and use within the watershed. This includes recommending long term strategies to provide water in sufficient quantities to satisfy minimum instream flows and to provide water for future out-of-stream needs. Optional elements that may be addressed in the plan include instream flow, water quality, and habitat.

Additional information can be found at this website:

<http://www.ecy.wa.gov/watershed/index.html>

Washington's Instream Flow Program

This plan describes how Washington Department of Ecology (Ecology) and Department of Fish and Wildlife (WDFW) resources will be directed to address statewide instream flow setting priorities through 2010. Working with local processes (2514 and non-2514) and in conjunction with Tribes, and the WDFW, Ecology will prioritize and set flows in rule in those watersheds assessing instream flows and making an instream flow recommendation, priority watersheds from the *Statewide Strategy to Recover Salmon*, and where there is otherwise impetus for action. Information provided includes a schedule for developing and setting instream flows, strategies for setting instream flows, funding availability, timelines, and a plan for communication and outreach.

Additional information can be found at this website:
<http://www.ecy.wa.gov/programs/wr/instream-flows/isfhtm.html>

Washington's Salmon Recovery Act

In 1998, the Washington State Legislature enacted the Salmon Recovery Act to empower citizens at the community level to engage in salmon recovery through a locally driven habitat protection and restoration program. The legislation recognized that active local participation is the key to ensuring public participation in, and support for, salmon recovery. It required the development of Limiting Factors analysis that was lead by Washington's conservation commission and it established the development of Lead Entities.

Lead Entities are funded to solicit salmon habitat projects and to establish priorities for projects that are submitted. Each Lead Entity develops a recovery strategy to guide its selection and ranking of projects. The strategy prioritizes geographic areas and types of restoration and protection activities, identifies salmon species needs, and identifies local socio-economic and cultural factors as they relate to salmon recovery.

In 1999, the Legislature created the Salmon Recovery Funding Board. Composed of five citizens appointed by the Governor and five state agency directors, the Board brings together the experiences and viewpoints of citizens and the major state natural resource agencies. The Board provides grant funds to protect or restore salmon habitat and assist related activities. SRFB has helped finance over 500 projects focused on recovering salmon habitat.

For more information go to these websites:
http://www.wdfw.wa.gov/grants/lead_entities/overview.htm
<http://www.iac.wa.gov/srfb/default.asp>

Washington's Spartina Eradication Program

Since 1995, the Washington State Department of Agriculture (WSDA) has served as the lead state agency for the eradication of *Spartina*. WSDA works with other state agencies, universities, the U.S.Fish & Wildlife Service, counties, tribes, private organizations and private landowners in this effort.

For more information go to these websites:
<http://agr.wa.gov/PlantsInsects/default.htm>