

May 31, 2005

Mr. Ken Johnson  
Washington Regulatory Affairs Manager  
Weyerhaeuser  
P.O. Box 9777  
Federal Way, WA 98063-9777

Dear Mr. Johnson:

Thank you for your public comment letter received on December 17, 2004, regarding Washington State's Water Quality Assessment for 2002/2004. The department received over 45 comment letters during this last review process and is appreciative of the time you took to review and comment on this assessment. We realize that there is an extensive amount of information in the Water Quality Assessment. The scrutiny given by you and other public reviewers has resulted in many changes and corrections that improved the accuracy of the final submittal to the Environmental Protection Agency (EPA).

The Water Quality Assessment is being submitted to EPA as an "integrated report" to meet the Clean Water Act requirements of sections 305(b) and 303(d). EPA will only take approval action on Category 5 of the assessment, which represents the state's 303(d) list. The Water Quality Assessment can be viewed at <http://www.ecy.wa.gov/programs/wq/303d/index.html>.

Responses to you specific comments, noted below, correspond in the order provided in your letter.

*1. Washington's Forest Practices Act should be recognized as an "other pollution control requirement" and placed in Category 4B.*

Ecology understands the frustration expressed in Weyerhaeuser's comments, but does not agree that affected water bodies should be placed in Category 4B. EPA's Integrated Report guidance for Category 4B states that a pollution control plan must be problem-specific and waterbody-specific to be placed in the "Has a Pollution Control Plan" category. Ecology has emphasized that TMDL development will be a low priority for waters affected only by the Forest Practices Act, and will be addressed again in 2009.

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2. *Listing Identification #21303-Columbia River-temperature should be moved from Category 5.*

Ecology has held several discussions on the issue of temperature listings and understands the regulated community's frustration with how temperature listings have been determined. Following discussions with NWPPA, Lincoln Loehr, and Grant Nelson (representing the Association of Washington Businesses) on the issue, the staff at headquarters worked with regional field staff to gather information related to the location of the temperature listings in Category 5, and whether natural conditions could be determined. We produced maps showing point sources and nonpoint sources (based on land use) as an aid in determining whether human activities could be impacting the increased temperature. Where a natural condition call could be made, the listings were moved to Category 1 or 2. In most cases, however, the ability to determine the natural conditions when human activities were present was not possible without further study, including the significance of the human contribution. These waters were left on Category 5 to trigger a TMDL study to make those determinations.

Regarding the listing cited above, a fundamental assumption that the Parametrix temperature studies indicated the background temperatures were equivalent to the natural condition of the river. Ecology does not agree with this assumption, since a number of conditions on the river are not natural but the result of human actions that could cause or contribute to increased temperatures. Therefore, even though we agree that at times many waters in the state can exceed numeric criteria, we still need to consider whether human actions will cause or contribute to increased temperatures. Further studies to sort out the natural conditions and human sources affecting temperature are currently being addressed through TMDL work.

3. *Listing Identification #10319 Grays Harbor-pH.*

Ecology notes that the name was administratively changed to Chehalis River, since this location is upstream of the demarcation between Grays Harbor and Chehalis River. Ecology reassessed this listing in consideration of natural conditions. A review of earlier files which were overlooked, indicate that this listing has previously not been listed because of the likelihood of natural conditions. The water has been placed in Category 2 with a note in the remarks stating:

“These excursions beyond the criterion are a natural condition with no direct human caused influence likely due to runoff from adjacent wetlands based on the judgment of Brian Grantham (Dept. of Ecology). All of the excursions occurred during the winter, accompanied by very low salinity values, and were below the lower pH criterion. Inner Grays Harbor is surrounded by wetlands. Runoff containing organic acids created by decomposition in these wetlands may decrease the pH in the adjacent marine waters.”

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4. *Listing Identification #10352-Willapa River-dissolved oxygen.*

Policy 1-11 does allow for seasonal listings, however, the seasonal listing does not apply to temperature or dissolved oxygen listings because standards for these are already based on the highest temperature or lowest dissolved oxygen levels over the source of the year (see Policy 1-11, bottom of page 29)

Thank you again for taking the time to provide comments to Ecology. If you have questions regarding the above responses, or would like further clarification, please feel free to call me at 360-407-6414.

Sincerely,

A handwritten signature in cursive script that reads "Susan Braley".

Susan Braley  
Unit Supervisor  
Watershed Management Section