

May 31, 2005

Mr. Lincoln Loehr
Heller Ehrman
701 Fifth Ave., Suite 6100
Seattle, WA 98104

Dear Mr. Loehr:

Thank you for your public comment email received on December 17, 2004, as well as previous comments received, 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 accurateness 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>.

Your email of December 17, 2004 describes what you believe are inaccuracies in the counts of samples and excursions for Possession Sound and Saratoga Passage from Ecology's EAP website. You presume that these types of errors exist in other Puget Sound stations as well. I asked EPA staff in the EAP Marine Unit to review and respond to your comments. Brian Grantham, Unit Supervisor for the Marine Unit, explained that the discrepancies you found are not a result of errors in the data, but reflects the fact that you were looking in the EIM database, which contains a limited subset of the marine monitoring data collected by the EAP Program. Because of the large amount of ambient marine monitoring data, it is stored outside of the EIM database.

We are also providing responses to your email sent to Bob Cusimano. These were provided by EPA staff:

Listing ID #9565 Gibbons Creek

Due to the collection date of the samples we cannot be sure that clean techniques were used. In a previous attempt to remove listings in which clean metals techniques were not employed, Ecology searched the database and changed listings that were based on metals samples collected before May 1994. The following listing was missed in this attempt and has been moved from Category 5 to Category 2.

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Listing ID #8648, Springbrook (Mill) Creek

The assessment process and response summary are different concurring parts of the Ecology's 2004 303(d) listing process. Ecology's response summary indicated that no change would be made based on comment provided by L. Loehr. This listing changed to Category 1 due to more recent data showing an improvement of water quality.

Listing ID #8658 Green River

Data from 1991 which caused the original listing was discarded as pre-dating the clean technique standards of testing. All subsequent data shows that standards are being met. Listing was moved to Category 1.

Listing ID #8659 Green River

Since the data which caused the original listing was done before the clean techniques sampling methods were used, this listing has been moved to a Category 2. No follow up testing is available to establish whether it is clean or impaired.

Listing ID #3745 Leach Creek

Ecology has used clean techniques for metals since May 1994. This listing should remain Category 5 until further data show improvement to this water quality parameter.

Listing ID #8767, Columbia River

The Parametrix study cited for this listing collected total arsenic data. You are correct that the National Toxics Rule specifies inorganic arsenic while the Washington state standards specify dissolved arsenic. Although arsenic was detected, there is not enough information to determine if an excursion of either criterion occurred. Because of this uncertainty, this listing was moved to Category 2.

Listing ID# 8673 White (Stuck) River and Listing ID# 7974 Stillaguamish River

The reports for both of these listings were reviewed and found to be modeled exceedances. The results would then be used in the next permitting cycle to set effluent limits to meet water quality standards at the edge of the mixing zone, as you note. These listings have been deactivated since they were not representative of ambient monitoring.

Because of your interest and concerns with natural condition calls for temperature and marine waters, I have included copies of the additional review that occurred.

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,



Susan Braley
Unit Supervisor
Watershed Management Section

Enclosures