

The Department of Ecology's Response to: Heather Trim – People for Puget Sound (Comment 42)

General Comment on Usability of the Assessment Query Tool: Ecology is sorry that you do not find the interactive query tool to be useful for your purposes. We have gotten a great deal of feedback that the tool is useful to many other public members for reviewing waterbody listings in their areas of concern. While we agree that it can be time-consuming to review everything, there really is no other better alternative to sharing the significant amount of data and information contained within the Assessment Query tool. The database contains over 30,000 records, or waterbody listings. A PDF of this magnitude would be huge and not very functional as one would not be able to query specific results. Regarding the datasets used, all of that information is contained within the basis statements of each listing. As you are aware, we have pulled datasets both internal and external to Ecology from our Environmental Information Management (EIM) system. For your questions regarding listing that are new or proposed, please see the final submittal package that Ecology submitted to EPA for review of the Integrated Report and approval of Category 5 as the state's 303(d) List.

Unassessed segments not shown in tables: The unassessed segments can be clearly viewed on the interactive map tool. Anywhere a waterbody segment is not showing a category color, one can assume that there was no data assessed at that site. Ecology does not see what value would be added by having a list or table of unassessed segments.

Toxics Listing Woefully Under-assessed: Ecology made its best attempt to assess toxics data from both EIM and the SEDQUAL databases. Without more specifics on studies that you believe were not included, we cannot address your stated concerns.

Many listings are not updated: Ecology conducted a public call for data in Fall of 2006 that included a massive mailing, notification through agency listservs, and training workshops on data submittals. Notification was made to many levels of government, tribes, and other public entities. Assessment staff drew data from Ecology's Environmental Information Management (EIM) System that includes both internal and external data submittals, from a variety of governmental agencies and tribes, local watershed groups, and private companies. This process for notifying data submitters is the same one that we have used in past listing cycles that EPA has subsequently approved. Please see the website at <http://www.ecy.wa.gov/programs/wq/303d/2008/index.html> for a list of studies and data that were used.

WQ Policy 1-11 is designed to have the data submitter provide the data, including the Quality Assurance Project Plan, as well as any additional information required by the policy. This puts the responsibility of ensuring that credible data is used, and that the data matches the objectives of the Water Quality Assessment, on the data submitter. This ensures that Ecology does not use data inappropriately, or use data that does not meet the state requirements for credible data. As an aside note, we have used NOAA Fisheries, USFWS, WDFW, tribal data, and other governmental agency data and information quite extensively when developing new water quality criteria that are used to establish impairment in the assessment results. For example, data and

information on fish spawning locations, presence of bull trout and other ESA-listed species, and timing windows for spawning, rearing and migration, are used to set criteria limits for aquatic life species. While these types of data are not directly applicable for use in the Water Quality Assessment, they are appropriate for the purpose of setting water quality standards that are used in the Assessment.

For the 2008 listing cycle, we used the Ecology database (Environmental Information Management System, or EIM) for organizing and evaluating environmental data with the accompanying feature that provides a level of quality assurance screening. An adequate amount of readily available data is included in this assessment to develop a candidate list of water segments for TMDL consideration and a valid representation of overall water quality for tested segments.

Invasive species should be on Category 5: Ecology worked closely with EPA in the approval process for the 2004 Assessment, and it was agreed by both agencies that Category 4C was the most appropriate for invasive species. Ecology believes that invasive species are a habitat impairment and would not be cleaned up through TMDL load allocations or loading capacities. The control and prevention of invasive exotic species are more appropriately dealt with by agencies that have control of ballast water, shipping, and other avenues for introducing them into the environment.

Puget Sound Listed Separately: It appears that People for Puget Sound is not aware that the Query Tool now has the ability to query by Puget Sound Action areas, for both marine and/or fresh waters within the given action area. We believe this resolves concerns you had that using Water Resource Inventory Areas (WRIAs) to identify Puget Sound listings is not useful or appropriate. In fact, one of the reasons we added the ability to query by Puget Sound Action Areas was because of previous comments we had received from People for Puget Sound frustrated with the WRIA system. If you have any problems using this new interactive query ability, please call us and we can help you.

Listing waterbodies by Township/Range is not scientifically valid: Ecology can understand your frustration with using political boundaries rather hydrologic boundaries. We have been anxiously waiting for EPA to finalize the National Hydrography Dataset (NHD) at the 1:24,000 scale so that we can concert our segment sizes to something hydrologic ally based. We welcome any pressure you can put on EPA to make this happen, as it has been delayed since March 2007.

No legally binding order that a waterbody will meet standards: Ecology is unclear about what People for Puget Sound is concerned about in regard to legally binding orders. Impaired waterbody segments cannot be taken off Category 5 unless a TMDL has been formally approved by EPA, or a CERCLA or RCRA Record of Decision has been approved. We consider these to be legally binding documents. We should also note that EPA has the final authority to decide whether or not waterbodies can be delisted, and we have worked closely with them to ensure that delisting waterbodies will get EPA approval after submittal.