



SCOTT W. LINDQUIST, MD, MPH, DIRECTOR
345 6th STREET, SUITE 300
BREMERTON, WA 98337-1866
(360) 337-5235

August 26, 2011

Susan Braley
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

RE: COMMENTS ON PROPOSED REVISIONS TO WATER QUALITY POLICY 1-11

Dear Susan:

Thank you for the opportunity to provide comments on Ecology's proposed revisions to Water Quality Policy 1-11. Our comments are included below. Page numbers referred to in our comments are based on the underline/strikeout version of the draft policy.

1. Need improved recognition to encourage implementation of local pollution control programs.

The Department of Ecology has acknowledged the effectiveness of local pollution control programs in Kitsap County, and supported the development of similar programs in other areas of Washington State. At the same time, there has been resistance to granting category 4B status under 303(d) assessments to water bodies that have pollution control plans.

For example, extensive work has been done by local agencies to find and correct sources of bacterial pollution in the Dyes and Sinclair Inlet watersheds. This has included the Dyes Inlet Restoration Project, Sinclair Inlet Restoration Project, and Kitsap Regional Illicit Discharge Detection and Elimination project for stormwater. However, in this area, only Gorst Creek and Enetai Creek have received a category 4B status.

If all the resources put into local pollution control programs for Dyes and Sinclair Inlets are not sufficient to receive a 4B listing, what more must local jurisdictions do to achieve this? If Ecology supports early implementation of local pollution control programs, and wants to encourage them in other areas, then WQP 1-11 should be revised to provide recognition of these efforts by granting 4B status to streams and marine water during future assessment cycles.

Once a local pollution control program is in place, a body of water should be listed as 4B for at least 4 years until it can be determined whether the programs have been effective. If the problems are not corrected during that time, the listing can be moved to category 5 during the next assessment. This approach would both encourage development of local programs, and provide Ecology with the option of listing water bodies as impaired again in the future if they are not cleaned up within a reasonable period of time.

Susan Braley

August 26, 2011

Page 2

2. Data calls should match the type of assessment period used.

Ecology typically evaluates data on a calendar year, but recent data calls have been for only a portion of the most recent year. For example, the most recent marine assessment reviewed data collected up to September 2009. This provides only 9 data points for those sites that are sampled once a month. The data call for streams only went through April 2011.

In future data calls, it would make more sense to request data through the end of an assessment period to provide a complete set of the most recent data. For example, if the data will be evaluated based on a calendar year, then the data call should go through December of the most recent year. If the data will be evaluated based on a water year, then the data call should go through September of the most recent year.

3. Requiring continuous monitoring data is unrealistic and inconsistent.

The current policy recognizes that with current technology collecting continuous monitoring data is not cost effective, and that most data is collected as single sample events. However, it also requires continuous monitoring data to establish some Category 1 listings (i.e. for Temperature or Dissolved Oxygen). This is an unrealistic burden for local monitoring programs. At the same time, the policy allows use of single sample data for Category 5 listings. This is internally inconsistent. The assessment policy should require the same level of data to list areas in Category 1 as it does to determine the initial impairment.

4. Need clarification on amount of data required to revise impairment listings.

Ecology staff have stated that multiple years worth of data would be required to demonstrate that previous water quality impairments have been corrected. It has also been explained that a single year of data may be adequate after a pollution source in the area has been corrected. However, Section 8a, Category 1 Determination (on page 27 of the draft), states that "A water body segment will be placed in Category 1 when these data show no exceedances beyond the criteria for the most recent data collection year." If there is another provision in the policy which requires additional data beyond one year, or documentation of a source correction associated with water quality improvement, please provide a reference to the applicable section. This requirement should be made clear in the policy for the benefit of both assessment staff and the public.

5. Use of Enterococcus data from BEACH program vs. Fecal coliform data

New language is proposed for section 8a that will allow Enterococcus data to be used in determining a Category 5 listing, but requires Fecal coliform data to then move it to Category 1. (pages 26-29 of the draft) This is an example of one standard being used to determine an impairment, while requiring a different type of data to change the same listing. To accomplish this, local health jurisdictions would need to sample for both Entero and Fecal coliform data to get the listing removed. This is an unreasonable burden.

Enterococcus bacteria are recognized on a national level in assessing human health risks on marine swimming beaches, and they should also be recognized by Washington State as being adequate to determine when recreational uses are not impaired. If necessary, the state water quality standards should be revised to achieve greater consistency with national standards.

Susan Braley

August 26, 2011

Page 3

6. Further explanation of categorizations within TMDL

In section 7, under Assessment of Water bodies within a TMDL Area, (page 22 of the draft) proposed new language states "...listing decisions within the TMDL may trump category determinations based on data alone." If the listing decisions are to be based on criteria other than that used to evaluate sampling data, please provide further explanation.

7. Use of swimming beach data to characterize ambient conditions

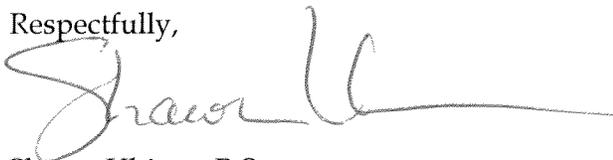
In section 8a, on page 24 of the draft, a portion of the text is marked for removal, including the statement "Bacteria sample values collected to determine localized conditions of a swimming area during peak primary contact recreation are not representative of ambient conditions of the water body segment." During peak use, a swimming beach may be affected by numerous temporary sources of bacteria associated with human swimmers, as well as disturbed sediments.

While data from a swimming beach area certainly can determine any impairments to recreational uses at that location, these samples do not adequately represent ambient conditions in a larger area of the water body. The Health District requests that the section quoted above be left in the policy, and further clarification be added explaining appropriate use of swimming beach data to assess impairments of primary contact recreation at that specific location.

The recommended modifications discussed above are intended to help make make Water Quality Policy 1-11 more clear and consistent for the benefit of Ecology assessment staff, individuals and agencies who collect monitoring data, and the general public.

If you have any questions, please feel free to call. I can be reached at (360) 337-5622.

Respectfully,



Shawn Ultican, R.S.

Senior Environmental Health Specialist

Pollution Identification and Correction Program

cc: Keith Grellner, KCHD
Stuart Whitford, KCHD
Eva Crim, KCHD