



September 1, 2011
WP58172

Ms. Susan Braley
Water Quality Program
Washington Department of Ecology
P.O. Box 47710
Olympia, WA 98504-7710

RE: Comments on Ecology's Proposed Revisions to Washington's Water Quality Assessment Policy 1-11

Dear Ms. Braley:

Thank you for the opportunity to comment on the proposed revisions to Washington's Water Quality Assessment Policy 1-11. This document is important because it prescribes the State's policies related to water quality assessments under Clean Water Act Sections 303(d), which trigger development of Total Maximum Daily Loads (TMDLs). TMDL development and implementation can be very costly and time-consuming. Therefore, it is critical that WQP 1-11 prescribes sound criteria for 303(d) listing. It is equally important that WQP 1-11 provides clear and reasonable criteria for delisting water bodies that meet water quality standards (WQS), as this will help ensure that our limited available resources are focused where really needed.

We offer the following comments:

1. Page 6. The policy states that data collected more than five years prior to the assessment will be used if more recent data are not available. Data that are more than five years old may not represent current conditions. Listing decisions based on old data could trigger TMDLs that are not really necessary. Pierce County recommends that water bodies where the only excursions were reported more than five years ago be placed in Category 2, "Waters of Concern," and flagged for additional monitoring to determine whether 303(d) listing is truly warranted. This will help reduce the risk of misdirected TMDL efforts.
2. Page 6. The policy indicates that older data may be used in the assessment if the data met the QA requirements in place at the time of collection. In some cases, the historic QA requirements might have been considerably less stringent than current requirements. Use of data with uncertain quality could increase the risk of inaccurate water body assessments and misdirected TMDLs. Therefore, the policy should require an evaluation to confirm that the older data are of sufficient quality to use in the assessment.
3. Page 14. The policy indicates that Ecology may keep a water body segment in Category 4a (has a TMDL); even if monitoring shows that the segment meets water quality standards. This policy is counter-productive for two reasons. First, it could result in misdirected pollution control efforts. If the water body segment meets WQS, control efforts should be focused elsewhere. Second, delisting segments before a TMDL is fully implemented provides tangible evidence that water quality control efforts are



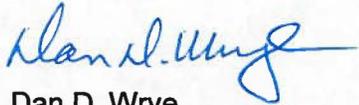
actually working. Such evidence of success may be critical to maintaining public support and funding in these tough economic times.

4. Page 14. The policy states that Ecology may keep a water body segment that meets WQS in Category 4a (has a TMDL) until there is "conclusive evidence that sources in the vicinity of the monitoring location are not contributing to further water quality criteria impairment in the rest of the basin." This could be construed to mean that the segment cannot contain detectable concentrations of the pollutant(s) of concern, which is unreasonable. Moreover, it is not appropriate to defer *any* delisting until 100% of the water body segments in the TMDL meet WQS. As noted in the preceding comment, delisting provides evidence of success that permittees need to maintain public support for their water quality programs. This policy should be revised to facilitate delisting of water body segments as soon as they meet WQS.
5. Page 19. The policy states that Ecology may place a water body on the 303(d) list if it is currently meeting WQS, but credible trend information and data exists to determine that the water body is not expected to meet the WQS by the next assessment cycle. Water quality predictions based on trend analyses and models are often very uncertain and may not be a reliable basis for listing decisions that could result in costly TMDLs. The policy document should be revised to clearly describe the criteria Ecology will use to predict future water quality impairments sufficient to support 303(d) listing decisions.
6. Page 19. The policy states that data older than 10 years may be used whenever necessary to determine historical natural conditions. Data that is more than 10 years old may not reflect current conditions, as noted in Comment 2. On the other hand, it may not represent natural conditions either. Please explain how Ecology defines "natural conditions," and how it will use water quality data to represent natural conditions.
7. Page 22. The policy notes that listing decisions within the TMDL may trump category determination based on data alone. What criteria will be used to make this determination?
8. Page 22. The policy states that water body segments that meet WQS may still be retained in Category 4a if the segment might contribute to impairment at a downstream location. As noted in Comment 5, this could be construed to mean that the segment cannot be delisted unless it contains *no* detectable concentrations of the pollutant(s) of concern. This policy is counter-productive and should be revised.
9. Page 22. The policy lacks defined criteria and protocols for delisting or changing a water body to a Category 1. The policy should contain parallel processes for listing a delisting; processes that specify a discreet number of samples required to demonstrate compliance with standards. Where fewer samples are required to support listing, fewer samples should also be required for delisting. A quantitative protocol would make the process more predictable and equitable. It would improve the ability of municipalities to assess compliance efforts, and to determine annual budgeting, scheduling, and resource allocation.
10. Page 23. The policy indicates that Ecology will not consider requests to change listing decisions based on new data or disagreements with Ecology's judgment, until the public comment period for the next assessment cycle. Ecology should be open to receiving the most current data and changing listing status as soon as possible.

11. Page 23. The policy should describe the delisting criteria for segments with fecal coliform TMDL targets that are more stringent than the WQS. Use of the "statistical rollback" method can result in TMDL targets that are well below the WQS. Thus, it is possible to meet the WQS and still not meet the TMDL. This doesn't make sense. The policy should be revised so that a water body segment will be delisted if monitoring shows that it meets both parts (geomean and 90th percentile) of the fecal coliform WQS.

Please contact me by phone (253)798-4672 or e-mail dwrye@co.pierce.wa.us if you have questions.

Sincerely,



Dan D. Wrye
Water Quality Manager
Pierce County Surface Water Management

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cc: File