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September 1, 2011

Ms. Susan Braley  
Water Quality Program  
Washington Department of Ecology  
PO Box 47600  
Olympia, WA 98504-7600

RE: WSDOT Review Comments for Revisions to Water Quality Policy 1-11

Dear Ms. Braley:

The Washington State Department of Transportation (WSDOT) Environmental Services Office has reviewed the draft revisions to Water Quality Policy 1-11. We appreciate the opportunity to provide comments on this document.

In review of this water quality policy document, one important comment has been identified in our review that warrants focused attention. This comment relates to the need for consistent high-quality data collected and used in decision-making. Specific comments related to data quality can be found in #2, 3, 6, 7, 9, 10, 11, and 12 below.

WSDOT is committed to working with Ecology and other TMDL stakeholders to mitigate the effects of state highway facilities on impaired waterbodies. However, one key to success is having high quality data to ensure that we are putting time and financial investments into the areas of greatest need. This requires credible scientifically defensible data that is consistently collected and analyzed and is representative of the conditions in the waterbody.

We would like to provide the following specific comments, which include the page number and wording in question/of concern:

1. Page 6, section on Public Participation and Submitting Information for the Water Quality Assessment, third paragraph: "Data which are less than five years old and meet the other requirements outlined in this policy will be consolidated and assessed with other data of the same waterbody segment and parameter. Data older than five years must meet all current data requirements and will only be considered by Ecology on a case-specific basis in the following cases:
  - No newer data exist for the given waterbody segment and parameter or the existing data do not meet the requirements of this policy;
  - The data are part of a larger dataset or long-term monitoring which include data younger than five years old for the same waterbody and parameter; or

- Information or rationale is provided to show that the data reflect current conditions.”

Comment: Please clarify what type of information or rationale must be provided to “show that the data reflect current conditions.” Data older than five years may have been representative of the current conditions at that time but may not be representative of the current conditions now.

2. Page 9, section on General Requirements, bullet J: “Field instruments, such as multi-parameter devices (Hydrolabs™), must be operated and calibrated according to the manufacturer’s recommendations, or other acceptable demonstrated method. Calibration information and any other appropriate documentation of accuracy must be submitted if requested by Ecology.”

Comment: Meter/instrument calibration information should be a required submission to Ecology for all data submitted in the water quality assessment process, especially data that will lead to a Category 5 listing. In the absence of calibration information, it is impossible to determine if 1) appropriate quality assurance and quality control procedures were followed, 2) the samples or measurements are representative, and 3) sampling and laboratory analysis conform to methods and protocols generally acceptable as required by Chapter 2 of this policy and RCW 90.48.585.

3. Page 10, second paragraph: “Verification of adherence to QA requirements may be examined by Ecology through the use of a selected sampling of projects entered into EIM.”

Comment: All data considered for inclusion in the water quality assessment process should be required to go through a QA verification process in order to ensure credible data, especially data that will lead to a Category 5 listing.

4. Page 15 and 16, section describing 4a:

Comment: The timing associated with water body segments being moved from Category 5 to 4a in relation to the TMDL development process is unclear. It would be helpful to include the sentence in the first paragraph on page 22 which states, “Once the TMDL is completed and approved by EPA, all monitored waters in the study area that have a load allocation associated with them are placed in Category 4a.”

5. Page 16, section describing 4b:

Comment: Please explain timing associated with water body segments being moved from Category 5 to 4b in relation to the pollution control program development process.

6. Page 19, section on Category 5. 303(d) List Impaired by a Pollutant and a TMDL is Needed, second paragraph: “Waterbody segments impaired by a pollutant as determined by the methodology described in this policy, or by well-documented narrative evidence of

impairment, will be placed in Category 5. This category will be submitted to EPA as the 303(d) list.”

Comment: “Well-documented narrative evidence of impairment” does not appear to meet the credible data requirements as described in Chapter 2 of this policy document and RCW 90.48.585 which define credible data as (emphasis added):

- “Appropriate quality assurance and quality control procedures were followed and documented in collecting and analyzing water quality samples;
- The samples or measurements are representative of water quality conditions at the time the data was collected;
- The data consists of an adequate number of samples based on the objectives of the sampling, the nature of the water in question, and the parameters being analyzed; and
- Sampling and laboratory analysis conform to methods and protocols generally acceptable in the scientific community as appropriate for use in assessing the condition of the water.”

7. Page 19, third paragraph: “A waterbody segment will be placed in Category 5 if it is currently meeting standards, but credible trend information and data exists to determine that the waterbody is not expected not to meet applicable water quality standards by the next assessment cycle.”

Comment: 1) Please explain what constitutes “credible trend information,” and 2) typo in sentence (emphasis added): “A waterbody segment will be placed in Category 5 if it is currently meeting standards, but credible trend information and data exists to determine that the waterbody is not expected not to meet applicable water quality standards by the next assessment cycle.”

8. Page 19, fifth paragraph: “Newly submitted data will be added to previously assessed data that are less than ten years old. Data older than ten years will be used only if no more recent data exists to conduct the assessment. Older data must also meet all QA requirements at the time of submittal, and will be compared against the current policy to make the assessment decision. Data older than ten years will be used whenever necessary to determine historical natural conditions.”

Comment: This paragraph is confusing as it conflicts with the third paragraph on page 6 which states the same restrictions when considering data over five years old.

9. Page 20, section on Assessment of Information using Narrative Criteria: “The assessment of water quality can be based on narrative information. A segment will be placed in Category 5 on the basis of violating narrative criteria relating to pollutants when the information regarding that waterbody segment includes all of the following:
- Documentation of environmental alteration related to deleterious chemical or physical alterations, such as nutrients or sediment deposition, is measured by indices of resource condition or resource characteristic or other appropriate measure, and
  - Documentation of impairment of an existing or designated use is related to the environmental alteration on the same waterbody segment or grid.”

Comment: See comment #6.

10. Page 21, section on Other Assessment Considerations, third paragraph: “In the absence of specific data to determine whether the exceedance is above or below the threshold allowance, the waterbody segment may be placed in Category 5 or Category 2, depending on available historic data and the best professional judgment of Ecology staff. The subsequent TMDL or other analysis will further determine the extent of human influences.”

Comment: See comment #6 regarding the use of “best professional judgment” to list a water body segment in Category 5.

11. Page 33, section on Category 4 Determination: “A segment will be placed in Category 4a when EPA has approved a TMDL for pollutants identified as stressors to the macroinvertebrate community.”

Comment: Please clarify how the “pollutants identified as stressors to the macroinvertebrate community” are determined. Please explain how a TMDL would be initiated based on a Category 5 biological impairment without detailed insight on the pollutant causing the impairment. Are the “stressor pollutants” identified during the TMDL study?

12. Page 62, section on Category 5 Determination: “A waterbody segment will be placed in Category 5 if ten percent or more sample values in the latest ten years exceed the applicable criterion. A minimum of three exceedances is required for an impairment determination.”

Comment: As written, impairment determinations may be based on samples that are not representative of overall stream conditions. Clarification should be added to exclude the use of samples that don’t represent overall stream conditions (i.e. turbidity of flows into the waterbody, or in areas within the waterbody that are prone to mixing where turbidity may be naturally higher, etc.).

Thank you for considering our comments. If you have questions or wish to discuss, please contact me or WSDOT’s TMDL Lead, Jana Ratcliff, at 360-570-6649 (office), 360-701-6353 (cell), or [ratclij@wsdot.wa.gov](mailto:ratclij@wsdot.wa.gov).

Sincerely,



Kenneth M. Stone  
Resource Programs Branch Manager  
Environmental Services Office

KMS:jr