



## King County

Department of Natural Resources and Parks

### Director's Office

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Seattle, WA 98104-3855

DEPARTMENT OF ECOLOGY

MAR 22 2016

WATER QUALITY PROGRAM

March 17, 2016

Patrick Lizon  
Washington State Department of Ecology  
Water Quality Program  
P.O. Box 47600  
Olympia, WA 98504-7600

Dear Mr. Lizon:

King County would like to thank the Washington State Department of Ecology (Ecology) for opening the opportunity to review Water Quality Program Policy 1-11 (Policy 1-11), the guidance document on how waterbody segments are generally assessed for attainment of water quality standards. This policy is a critical part of our state's ability to improve the quality of our waters.

King County provides wastewater treatment for 1.5 million residents and businesses and manages stormwater for over 250,000 residents. The County also administers a robust and effective Industrial Pretreatment Program, one of the first in the nation that reduces pollutant loads from businesses entering wastewater which eventually is treated at our 3 regional and 2 local treatment plants. Both our wastewater and stormwater services are managed under National Pollution Discharge Elimination System (NPDES) permits with Ecology. King County is also a designated Water Pollution Control Authority under state law. As both a regulated entity and jurisdiction actively managing and protecting water quality and quantity over an area of more than 2,100 square miles, we have a strong interest in how responsibility for maintaining and restoring these public water resources is shared amongst local, state and federal agencies.

As part of our extensive science and monitoring programs, King County collects surface water, tissue and sediment data, and has, on many occasions, aided Ecology with data analysis and Total Maximum Daily Load (TMDL) studies and implementation plans. The policies directing how waterbodies are listed as impaired and the consequences of these decisions are particularly important to the County and its citizens.

King County appreciates the opportunity to offer comment on scoping potential changes to Ecology's Policy 1-11. King County is interested in seeing this guidance be a more robust, rigorous process which effectively utilizes all of the potential waterbody categories identified in the Clean Water Act, Sections 303(d) and 305(b) Integrated Reporting process. As we

work to protect and improve water quality throughout the state, it is increasingly important to ensure that credible and robust data are used to make impaired waterbody decisions.

King County has several areas of concern with the current 2012 version of Policy 1-11 and the way they are being used to implement the assessment process. These are areas we would like to see addressed in any revision process.

- 1) **Use of Data in Decisions:** The current way tissue, sediment, bioassay, and macroinvertebrate data are being used to make decisions about impaired (Category 5) waters needs to be improved. For instance, the relationships between regulated pollutants and macroinvertebrates are frequently uncertain and this uncertainty is not incorporated into the decision making process of Policy 1-11. Similarly, bioassay exceedances without co-located chemistry exceedances are ranked no differently than bioassay exceedances with co-located sediment quality standard exceedances. There are many cases where only a single line of evidence is present and a waterbody is more appropriately described as of concern while multiple lines of evidence more definitively categorize some waterbodies as impaired.
- 2) **Use of All Categories:** In general, King County encourages Ecology to use the full breadth of the categories (Water Quality Assessment Report Categories 1-5) to help prioritize future data collection and actions. For instance, active use of Category 2 - Waters of Concern may stimulate other initiatives to address any potential water quality issues sooner than listing with some uncertainty, as Category 5 and initiating the long timeline of developing TMDLs. Such use of Category 2 may help focus Ecology resources and TMDLs on the most obvious and definitive impairments.
- 3) **Data Retention:** The retention of data, which in some cases is decades old, to justify impairment decisions is critical to address. This issue is especially acute for Category 5 listings based on narrative criteria where the supporting data does not clearly meet the thresholds for use under the Water Quality Data Act.
- 4) **Insufficient Data:** The numbers of samples required to categorize waterbodies as Category 1-5 - meeting standards, of concern, insufficient data, or impaired is insufficient to justify decisions.
- 5) **Data Requirements to Delist:** The data requirements to delist or reclassify waterbodies from impaired to other categories is substantial compared to listing requirements. The number of samples listing waterbodies as impaired is very small compared to the evidence required to delist them, particularly for tissue impairments. There should be more parity in these thresholds.

Finally, the notice for this scoping effort indicated that consideration and revisions to Ecology's Policy 1-11 may not be completed until after the current Assessment Report update occurs. The County urges Ecology to complete any revisions to the policy so that it can be used in a timely way for the next revisions of the Water Quality Assessment.

King County believes that the most efficient and effective way for Ecology, stakeholders and the public to discuss Policy 1-11 revisions and their consequences is through face-to-face

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dialogue. Ecology has successfully engaged stakeholders in past efforts. We believe a collaborative process with open communication will provide invaluable information towards a revised policy. It would also ensure that the revised policy works in concert with other state regulations to reduce toxic exposures and achieve our state's surface water quality, sediment quality and human health objectives.

We look forward to continuing to work with Ecology on these important policy revisions.

Sincerely,



Christie True  
Director

cc: Sandra Kilroy, Assistant Division Director, Wastewater Treatment Division,  
Department of Natural Resources and Parks (DNRP)  
Mark Isaacson, Division Director, Water and Land Resources Division, DNRP