

From: james lengenfelder <emilyrayjjmlengenfelder@msn.com>

Sent: Thursday, March 31, 2016 3:53 PM

To: ECY RE 303d

Subject:303d List Comment

Patrick Lizon,  
Department of Ecology  
PO Box 47600,  
Olympia, WA 98504-7600  
303d@ecy.wa.gov

Regarding: CALL FOR DATA & SCOPING PROCESS FOR THE WATER QUALITY ASSESSMENT AND WATER QUALITY POLICY 1-11

Dear Sir:

It is not entirely clear if this "Call" is a request for comment on the requirements for listing impaired water bodies on Washington State's 303d list or the some procedural process for collecting data. In any case below is a recommendation for DOE's listing requirement.

Recommendation: Washington State Department of Ecology regulations for 303d Listing should require proof positive that a condition does exist.

DOE recently updated (first time in ten years) the list of 303 impaired water bodies. Capitol Lake was relisted as being imparted for the presence of fecal coliform.

Thurston County Health Department has 14 years of data indicating no violations for this bacterium. DOE response to public comment was that the county's data did not prove that fecal coliform was not present. During the public comment period his was pointed out by several observers. DOE's response was that there was no evidence that fecal coliform was not present.

No information, recent tests or measurements indicate that Capitol Lake has any fecal coliform present.

For DOE to keep the negative listing seems ingenuous and legally questionable.

Sincerely,

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