



**City of Seattle**  
Seattle Public Utilities

March 31, 2016

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

Re: Seattle Public Utilities (SPU) Comments for Water Quality Policy 1-11 (WQP 1-11)

Thank you for the opportunity to provide input to the scoping of revisions and clarifications to WQP 1-11. SPU supports Ecology's scoping effort to revise WQP 1-11, which guides how Ecology assesses data on waterbody segments and makes listing decisions on the water quality status. SPU would like to provide the following comments.

1. **Age of Data Used for Assessment** - The listing policy should be improved regarding the management of listings with respect to the age of the data on which the listing was based. Many Category 5 listings (e.g., for contaminated sediment) are based on data that are over a decade old. Given the dynamic nature of aquatic environments and improvements in controlling sources of pollutants, the City recommends revising the policy to include criteria for how a long after establishing a listing, based on a particular data set, it remains valid. In Section 4 (Public Participation and Submitting Information; page 7), the current policy states that "data older than ten years will not be used in the Assessment but may be submitted to Ecology's Environmental Information Management (EIM) system for other purposes". A ten-year interval may be a good default "life-cycle" for a particular listing. Allowing listings to be removed from the list based on the age of the supporting data would help to maintain a meaningful 303(d) list that represents current conditions and informs prioritization of action.
2. **Sediment Sampling Interval** - The current policy regarding contaminated sediment states that samples must be taken from surface sediments 0-15 cm in depth. The 2015 Sediment Cleanup Standards User's Manual (SCUM II, Section 4.4.5) identifies 0-10 cm as the default surface sediment sampling layer for comparison to the SMS criteria. We recommend identifying in the updated policy that the 0-10 cm layer is the appropriate layer for sampling.
3. **Category 4b Determination for Contaminated Sediments** - The listing policy should continue to provide a feasible and functional Category 4b pathway for contaminated sediment cleanups. As data are collected and standards are revised, an increasing number

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of waterbody segments might be considered for listing in Category 5 for sediment contamination based on the state's unique sediment management standards (SMS; WAC 173-204). Many sediment cleanups have, or are progressing toward, a Cleanup Action Plan (CAP), Record of Decision (ROD), Corrective Measure (CM) or other approved, legally enforceable cleanup plan. Under 2012 WQP 1-11, active cleanup sites documented as having one of these plans are placed in Category 4b, "Segment Has a Pollution Control Program (in lieu of a TMDL)" – not Category 5.

"EPA's Approval and Decision on Revisions to Washington's Sediment Management Standards, Chapter 173-204 WAC," dated December 18, 2015, states that Ecology has committed to revise Water Quality Policy 1-11 with respect to contaminated sediment assessment and listing. It is expected that, as EPA has suggested, Ecology will not use Part V of the SMS—the sediment cleanup standards—to determine Category 1-5 sediment listings.

When revising WQP 1-11, Ecology should recognize the value and investment in sediment cleanup and related source control being made throughout the state. Ecology should continue to include a feasible and functional 4b alternative to Category 5 listings for contaminated sediment sites.

4. **Category 5 Determination for Contaminated Sediments** - The recent revisions to the SMS and interactions between Ecology and EPA indicate that changes to the assessment approach and chemical criterion for Category 5 listing for contaminated sediment will occur. Assessment of sediment data in the current policy follows WAC 173-204-510 through 520. We recommend that if Ecology decides to revise these assessment criteria, any revision should use mean concentrations and chemically similar stations or another assessment approach which accounts for the fact that sediment data can be spatially and temporally heterogeneous. Developing an appropriate revised approach may require technical input and analysis.
5. **Toxic Substances Assessment and Use of Tissue Data** – Ecology should consider discontinuing the use of tissue data within the assessment process for toxic substances (pages 47-51 of the current policy). The stakeholder process should include a robust discussion of the advantages and disadvantages of using tissue data. There are many uncertainties and assumptions embedded in the use of tissue concentrations as an indicator of water quality that make it an unreliable assessment tool including uncertainties inherent in derivation of bioconcentration factors (BCFs). In addition, whether the source of toxic pollutants in tissue is the water column or sediment or a combination of these sources is not clear. The fact that some resident fish might be long-lived also contributes to the uncertainty of the source and timing of potentially related surface water impacts. If the tissue approach stays in the policy, clear procedures need to be identified for how a water body that is listed related to tissue would be delisted. (See also earlier comment on delisting related to age of data.)
6. **Scoping and Stakeholder Process** - The announcement for the 60-day scoping process for the WQP 1-11 states that "Ecology will conduct a more comprehensive stakeholder process

for Policy 1-11 updates to further discuss ideas received after the scoping period." The City anticipates that there will be substantial changes to the policy and has a strong interest in a comprehensive stakeholder process during and after the scoping period that includes the opportunity to review and comment on the draft of the policy before it is considered final. We also encourage Ecology to include in-person meetings or workshops in the stakeholder process.

Please feel free to contact Kate Rhoads, of my staff, if you have any questions regarding this letter. Kate can be reached at (206) 684-8298 or at [kate.rhoads@seattle.gov](mailto:kate.rhoads@seattle.gov).

Sincerely,



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