

# Surface Water Quality Standards Triennial Review Results May 2011

## **Background**

### **Triennial Review Process:**

- Triennial review process was announced November 2, 2010.
- Public meetings with formal hearings were held around the state in November 2010 (Lacey, Spokane, Yakima, Vancouver, and Mt. Vernon).
- The Triennial Review process provided a forum to discuss what new initiatives are being developed by EPA; to solicit suggestions for where guidance is needed, and to solicit suggestions for what new or revised criteria are needed in the regulation.
- The public review period ended December 17, 2010. Comments were received from 42 entities.
- A Response to Comments and a 5 Year Work Plan are being developed from comments received.
- Prioritization of topics will be based on environmental benefits, technical complexity, available staff resources, federal mandates, and providing clarity to the standards through guidance, rule, or process.

### **Selection of Water Quality Standards Triennial Review Topics came from:**

- Public comments received by December 17, 2010.
- Obligations stemming from the EPA 2006 Approval and ESA Consultation.
- EPA-mandated standards and criteria issues.
- Suggestions from Ecology staff who implement the standards.

### **Water Quality Standards Topics & Comments Grouped By:**

- Rule revision for Criteria changes
- Rule revisions for Use designation changes
- Rule revisions for Standards implementation
- Implementation guidance or program policy

## Water Quality Standards Triennial Review Comments

<b>Criteria Changes-Rule Revision</b>	
<b>WQ Standards Topic</b>	<b>Commenter</b>
<p><b><i>Dissolved Oxygen-Fresh:</i></b></p> <ul style="list-style-type: none"> <li>• Adopt D.O. criteria that better protects spawning beds (IGDO).</li> <li>• Add a criterion based on percent saturation to eliminate false violations due to natural effects of temperature on D.O.</li> <li>• Provide clarity on the definition of “dominant aquatic habitat”.</li> </ul>	USEPA, NWIFC, Avista, Seattle, Inland Empire Paper, Snohomish County, Center for Biological Diversity, ECY/EAP Staff
<p><b><i>Toxics-Human Health:</i></b> Work with tribes, regulated industry, and stakeholders to establish an appropriate fish consumption rate number for Washington and update human health criteria. Work with Toxics Cleanup Program as they adopt fish consumption rates into sediment management standards.</p>	Everett, King County, Bellingham, Columbia Riverkeeper, Kalispel Tribe, NWPPC, NWEA, NWIFC, PPS, Quinault Tribe, Stoel Rives, Swinomish Tribe, EPA.
<p><b><i>Toxics-Aquatic Life:</i></b> Update aquatic life-based criteria in the standards, after EPA approval (and ESA consultation) of Oregon aquatic life criteria, including metals criteria developed by EPA that are based on the biotic ligand model (BLM).</p>	King County, Burien, Everett, Kennewick, Redmond, Copper Development Assoc (DeForest), GEI Consultants, Parametrix Intl. Zinc Assoc., Swinomish Tribe, WDOT, Windward Envir.
<p><b><i>Bacterial Indicators:</i></b> Propose new bacteria indicators and criteria for marine and freshwater when EPA national criteria updates are finalized (projected to be done 2014).</p>	Snohomish Co., King Co., WDOT, Kitsap Co. Health Dis., Mason Cons. District, ECY/ EAP Staff
<p><b><i>Fine Sediment/Turbidity:</i></b> Adopt numeric or narrative standards to protect waters from excess fine sediments, for protection of spawning beds and other aquatic life. Consider revising turbidity criteria to apply to landscape activities (nonpoint sources).</p>	NWEA, ECY: WQ/ERO, EAP Staff WQ/Forestry
<p><b><i>Total Dissolved Gas:</i></b> Review the 110% TDG standard to determine if new data indicates an update is needed. Identify data gaps that need to be filled in order to evaluate current criteria and develop new criteria if necessary.</p>	Avista, Douglas County PUD, ACOE

## Use Designation Changes – Rule Revision

<p><b>Use Changes in Table 602:</b></p> <ul style="list-style-type: none"> <li>• Revise Table 602 and Supplemental Spawning Maps based on new fish use data from WDFW &amp; tribes, and other resource managers.</li> <li>• Update numeric criteria notes in Table 602 and 612 as new data is identified to justify the change or correction.</li> </ul>	<p>King County, WDOT, Longview, ECBID, SCBID, Kalispel Tribe, Kaiser Aluminum, Seattle</p>
<p><b>Use Attainability Analysis (UAA):</b></p> <ul style="list-style-type: none"> <li>• Work with WDFW and other resource agencies to identify areas where the natural condition is a warm water fishery and a use change may be justified.</li> <li>• Develop guidance specific to use changes to warm water fisheries.</li> </ul>	<p>King County, Kaiser Aluminum, Longview, Seattle, WDOT, Longview, ECBID, SCBID, ECY: WQ/ERO, EAP Staff</p>
<p><b>Use Attainability Analysis (UAA):</b> Conduct public process to change uses where UAA indicates use is not existing or attainable in a waterbody.</p>	<p>ECY: WQ/ERO, EAP Staff</p>
<h2>Implementation - Rule-Making &amp; Policy/Guidance – Rule Revision</h2>	
<p><b>Compliance Schedules:</b> Adopt language to allow compliance schedules greater than 10 years.</p>	<p>Inland Empire Paper, Pend Oreille PUD</p>
<p><b>Low Flow/Intermittent Waters:</b></p> <ul style="list-style-type: none"> <li>• Develop guidance for effluent discharges to waters with natural low flows, or no flows; adopt rule language to address implementation of standards and criteria in low flow situations.</li> <li>• Consider adopting narrative standards to protect instream flows to fully support designated uses.</li> </ul>	<p>Avista, ECBID, Snohomish County, Bellingham, Quinault Tribe, Pend Oreille PUD ECY: WQ/ERO, EAP Staff</p>
<p><b>Water Effects Rations (WER):</b> Develop WER implementation guidance and clarify rule language to allow issuance of WERs through NPDES permits.</p>	<p>Burien, Everett, GEI Consultants, Kennewick, Redmond, Parametrix, Windward Envir.</p>
<p><b>Lakes &amp; Reservoirs:</b></p> <ul style="list-style-type: none"> <li>• Clarify in rule the procedures for applying criteria to lakes and reservoirs, taking into account natural conditions.</li> <li>• Include procedures for implementing criteria in stratified systems, both fresh water and marine (esp. for D.O., pH, &amp; temperature).</li> </ul>	<p>Avista, Backlund, Everett, McConathy, Seattle, Inland Empire Paper, Vancouver Lake Watershed Partnership, Russell ECY: WQ/ERO</p>
<p><b>Nutrient Criteria:</b></p> <ul style="list-style-type: none"> <li>• Where lake-specific studies have been done on phosphorus limits, adopt site-specific criteria in rule.</li> <li>• Publish “Nutrient Controls in Washington” to help public understand how nutrient problems are controlled and dealt with.</li> </ul>	<p>Russell, Inland Empire Paper, NWEA, McConathy, Vancouver Lake Watershed Partnership</p>
<p><b>Nonpoint Source Controls:</b> Add clarifying language in the rule at WAC 173-201A-510(3)(a) for implementing nonpoint source controls.</p>	<p>NWEA</p>

## Implementation - Guidance Or Policy Only

<b>Pollutant Trading:</b> Finalize guidance for allowing pollutant trading in Washington where appropriate.	Inland Empire Paper
<b>Use Attainability Analysis (UAA):</b> Finalize UAA Guidance. Create UAA webpage to more easily find information on use changes.	King County, WDOT, Longview, ECBID, SCBID
<b>Antidegradation:</b> <ul style="list-style-type: none"> <li>• Finalize guidance for implementing Tier II rules in permits.</li> <li>• Develop implementation methods for Tier 1 protections.</li> <li>• Develop Tier III implementation for OWRs.</li> </ul>	NWEA, NWIFC, McConathy, Wild Fish Conservancy
<b>Bioassessments:</b> Provide more detail in Policy 1-11 for listing impaired waters based on bioassessment targets.	Clallam County, Center for Biological Diversity
<b>Identifying Uses and Criteria:</b> Develop use & criteria maps to allow a user to quickly identify what applies to waterbodies, based on GIS & interactive computer maps.	Island County Public Health ECY: WQ/WSM, EAP
<b>Implementing Standards in Estuaries:</b> Implementation guidance and clarification of rule language at WAC 173-201A-260(3)(e) for determining whether fresh or marine water criteria apply (based on salinity).	ECY: WQ/WSM, EAP
<b>Dissolved Oxygen – Marine:</b> Develop guidance for implementing marine D.O. in naturally occurring low dissolved oxygen due to ocean processes and physical characteristics.	Center for Biological Diversity ECY: EAP Staff
<b>pH (due to ocean acidification):</b> <ul style="list-style-type: none"> <li>• Develop improved more accurate methods for measuring pH in marine conditions that are specific to Puget Sound.</li> <li>• Provide guidance on how narrative criteria at WAC 173-201A-260(2) can be used to prevent increased carbon dioxide from impacting aquatic life.</li> </ul>	Center for Biological Diversity, ECY Climate Change Staff