Washington Department of Ecology: March 18, 2015

I'd like to comment on the proposed water quality rule change that increases the base level of fish consumption from 6.5 to 175 grams per day.

My interest in the issue stems from my having lived on Puget Sound for 60 years; from having made my living for much of that period fishing for salmon off the Washington coast and elsewhere, and my current position as president of the board of commissioners of Water District 19 on Vashon Island. Regarding this last, I wish to clarify that these opinions are my own and do not necessarily reflect those of my fellow commissioners or the District's staff, who are free to comment on their own.

Having chosen the amount of fish one can safely eat from state waters as a measure of water quality, it makes sense to settle on a reasonable figure. The proposed new level of just over a third of a pound per day is hardly unrealistic, even if most people statewide don't consume that much; many people still do at that level and even higher, and it would be irresponsible to go on as if their health is of little importance. Ideally, we should adopt the goal of safely consuming <u>any</u> amount of fish without risk. This rule however, like most decisions involving conflicting interests, is a compromise, and whether it works toward the intended goal of slowing the toxic pollution that has degraded our state waters ever since large-scale industrial development arose here depends on how it will be implemented.

Reading the rule as amended reveals many opportunities for discharging entities to ask for and get variances. The language encouraging them to work toward compliance while a variance is in effect sounds good; the key will be in what degree of follow-up Ecology pursues.

I assume the variances were added to address the cries of pain from industries and water treatment facilities who, if one believed news stories and editorial opinions on the issue, would find the standards impossible to meet and be forced out of business.

Oregon, which adopted the higher standards several years ago, was cited in these stories as an example of inevitable disaster. Strangely, search though I might, I find no news of Oregon's disappearance from the economic landscape, or of particular businesses that have failed, or even struggled, as a consequence of the rule. In fact, a response from Oregon's Department of Environmental Quality (copied below) to a query I made makes it sound like any effect on businesses has been minimal or nonexistent.

Here on Vashon, our focus on water quality goes beyond providing safe water for our customers. Recognizing that we are not separate from our surroundings, we also have a policy of trying to ensure that water flowing out of our jurisdiction, for example through our watersheds and into Puget Sound, has a positive rather than negative effect on the near shore environment that it enters.

One could hope that everyone would respect the goal of rebuilding the health of our waterways and do their best to minimize damage. A business dealing in toxics and focused on profits might put such voluntary mitigation low on its priority list, and need the encouragement of regulation like the new quality rules. I fully support the new standards; assume most Washingtonians do as well, and hope that they are applied so as to make substantial and ongoing improvements to our marine and freshwater environment.

Respectfully,

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From: MATZKE Andrea <MATZKE.Andrea@deq.state.or.us>
To: 'Richard Bard' <rabard@comcast.net>
Subject: RE: Water quality standards

Hi Richard,

We're trying to figure out the best contact for this type of information request here at DEQ. Others have asked similar types of questions. Generally, the 2011 revised human health criteria are evaluated at the time of permit renewals, so any impacts to effluent limits based on revised criteria would happen over time as permits expire. In some cases, dischargers do not have adequate toxics data in order to conduct the analyses needed to determine if toxic standards are exceeded. Therefore, as part of the renewal, dischargers are required to collect the needed data in order to conduct those analyses at the next permit cycle.

The permitting tools developed during our rulemaking that were designed to address toxics, such as variances, intake credits and the site-specific background pollutant allowance have not yet been used by any discharger, although we would expect that at some point these tools would be used as we collect more toxics data (e.g. PCBs, phthalates, etc.). Depending on the situation (e.g. using one of these tools vs. additional treatment, etc), costs will vary for dischargers. At this time, DEQ is not tracking this kind of information.

As far as water quality improvement, it will take a number of years to see any improvement of water quality based on revised standards. We also know these pollutants enter waterways through nonpoint sources, which aren't regulated to the extent of point sources, and that some of these pollutants are present at concentrations we can't currently measure. Although it is important, at a minimum, to have water quality standards for toxics, efforts to reduce toxics in products that we use is something DEQ is very supportive of, rather than trying to remove toxics once they are already present in wastewater.

Sorry, I don't have more specific info for you. You may also want to connect w/ Janet Gillespie who is with the Assn. of Clean Water Agencies here in OR. She may have a different perspective. I've attached her business card.

Thanks,
Andrea Matzke, MPH
OR DEQ | Water Quality Standards and Assessment | 503-229-5384