AWB Association of Washington Business
Washington State's Chamber of Commerce

December 16, 2014

Kelly Susewind
Special Assistant
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Re: Suggested clarifications and improvements to the proposed Water Quality rule update

Dear Kelly:

The Department of Ecology's sequencing of activity to implement Governor Inslee's July 9th directive on state water quality standards revisions and a companion toxics reduction program is well understood. The late September action to release the preliminary proposed water quality standards revisions, along with the explanatory information and draft Significant Legislative Rule elements, was a good move and served several objectives. First, this package revealed the basic science and regulatory policy choices Ecology had settled on. This was certainly of great interest to stakeholders. But second, while the agency was firm in suggesting the "preliminary draft" regulation would become the formal CR-102 proposal at some point in January 2015, there was also a hint that input to the agency during the interim would be considered and could influence the content of the formal regulation package.

We believe meaningful input has been presented to Ecology and would encourage full consideration and, where warranted, adjustments in the eventual CR-102 version and supporting materials or guidance. Topic areas have included:

- reworking of the Significant Legislative Rule cost/benefit analysis,

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- linking the approval and effective date of numeric criteria with concurrent EPA approval of implementation tools,
- committing to adoption of 40 CFR 136 analytical method updates into WAC 173-201A
- replacement or adjustments to the intake credit language to achieve an understandable and meaningful regulatory procedure,
- additions and/or amendments to the Permit Writers Manual and WQP Policy 1-11

If Ecology agrees there is merit with the input provided, the preliminary draft rule language should be modified now. Public review and comment can then focus on the relevant, current and best Ecology regulation proposal.

Thank you for considering this suggestion.

Sincerely,

Brandon Houskeeper
Association of Washington Business

Laura Merrill
Washington State Association of Counties

Gerry O'Keefe
Washington Public Ports Association

Carl Schroeder
Association of Washington Cities