WASHINGTON SURFACE WATER QUALITY STANDARDS DELEGATES' TABLE

DRAFT CHARTER

I. Background

Ecology is engaged in a process to update surface water quality standards (WAC 173-201A). This will involve adopting new human health criteria and providing new implementation and compliance tools for dischargers.

Human health criteria are limit sets for toxic substances to protect people who consume water, fish, and shellfish taken from Washington water bodies. They address substances such as metals, pesticides, and other organic compounds. Currently Washington does not have human health criteria, so Ecology is required to operate under the federal criteria established in EPA's 1992 National Toxics Rule. These criteria are out of date, and EPA has requested (and Ecology agrees) that Washington should use new science and information to adopt updated human health criteria at the state level. Among other things, this process likely will result in an updated fish consumption level to reflect that, at least at the state level, people consume more fish than is assumed in the 1992 federal criteria. It also likely this will result in lower discharge limits for many substances.

Implementation and compliance tools are needed to help dischargers effectively address increasingly smaller concentration limits for contaminates. This may be the case, particularly, when technology to treat effluent, or even measure constituents, has not yet caught up with the new science around health effects. It also is the case that some contamination in discharge effluent may arise from more distributed sources of toxics, such has from non-point sources, products in use (e.g., roofing materials, break pads), natural occurrence, or legacy contamination.

Ecology will undergo a formal rulemaking process to update the surface water quality standards. In advance of the rulemaking process, Ecology is providing background and technical information on the various policy and technical issues through a series of Policy Forums and seeking input through the Delegates' Table.

II. Purpose & Objectives

The purpose of the Delegates' Table is to provide Ecology with advice on how best to move forward with surface water quality standards updates and to act as a sounding board for discussion of policy and regulatory options. Delegates are requested to:

- Represent their community/sponsoring organization.

- Actively engage in discussion and bring constituent concerns to the table, as well as seek an increased understanding of other's views.
- Speak candidly and bring their ideas and expertise to the table to help inform Ecology's choices.
- Communicate back to their communities/sponsoring organizations.

Throughout the process there will be documentation of Delegates' Table discussions in meeting notes and other documents (if needed) that delegates choose to define. In the event consensus is reached around the table, this will be noted. In the event consensus is not reached, individual perspectives will be described.

III. Establishment and Membership

Ecology established the Delegates' Table by reaching out to organizations and interests with expertise in surface water quality standards, human health criteria, and implementation tools, and who would be affected by the outcomes of this process. This included invitations to environmental groups, cities, counties, the Association of Washington Business, commercial fisheries, ports, the Farm Bureau, and irrigation districts. Ecology also reached out to the Indian Tribes and Nations in Washington to invite their involvement and participation in whatever way is most appropriate and respectful of their sovereign status. Invited organizations/interests who chose to participate identified participants to the Delegates' Table.

Direct participation of all delegates is essential to the success of the Delegates' Table. For that reason, delegates are asked to make every effort to attend in-person meetings and participate in conference calls. In the rare occasions that delegates cannot be present, an alternate may be sent to participate on the delegate's behalf. It is the responsibility of the delegate to ensure that any alternate is fully briefed and prepared to participate in deliberations.

All Delegates are expected to participate throughout the duration of the process. In the event a Delegate decides to withdraw from the process, he or she will be asked to document the reasons for their withdrawal and may be replaced by their nominating interest/organization with another delegate of similar expertise and interest.

IV. Tentative Meeting Topics, Schedule, and Duration

The Delegates' Table will meet four to six times from June 2013 to December 2013, with the possibility of an additional meeting (if needed) in early 2014. Preliminary meeting topics are described below; the sequencing of meeting topics can be adjusted to best meet delegates' needs. The schedule will be dependent on making sure topics have already been covered at the Policy Forums.

June 2013 – Initial Meeting

- Delegates' Table purpose and objectives; any revisions to charter or ground rules.
- Discussion of draft framework for Delegates' Table discussions, including issues to be addressed; addition of issues as needed; adjustment to issue sequence if needed; discussion of

background and other materials anticipated to support deliberations and identification of any other materials needed.

- Detailed discussion of issues related to Clean Water Act scope and Relative Source Contribution. Review potential categories of implementation tools and potential options identified to date; make additions as needed.

July or August 2013 – Criteria Calculations, Intake Credits, and Variances

- Review and discuss criteria calculation for carcinogens and non-carcinogens including risk level.
- Review and discuss complexities and special approaches for certain toxics including mercury, arsenic, and PCBs.
- Review and discuss sources of toxics and broader toxics reduction efforts and strategies.
- Review and discuss intake credits and Use Attainability Analyses.
- Discuss economic analysis.

September 2013 – Fish Consumption Rate

- Review and discuss surveys/studies to date (review of the Technical Document).
- Review and discuss types of fish to include.
- Review and discuss target population(s).
- Review and discuss potential scenarios (how different choices affect water quality standards and resulting criteria).

October 2013 – Implementation Scenarios Based on Advice to Date; Waterbody-Wide Variances and Compliance Schedules

- Review discussions/advice offered by Delegates to date on criteria calculations and fish consumption rate and implications for implementation scenarios.
- Continue discussion of criteria calculation and fish consumption rate issues, as needed.
- Review implications for 303(d) listings and discuss issues related to listings including tissue listings and 3(m) listings.
- Review and discuss use of waterbody-wide variances and compliance schedules and other implementation tools.
- Review and discuss use of variances and compliance schedules.

November or December 2013

- Review discussion/advice offered by Delegates to date on listings and implementation tools.
- Continue discussion of implementation tools issues, as needed.
- Continue discussion of criteria calculation and fish consumption rate issues, as needed.
- Update/review economic analysis status and progress.

January or February 2014 – Further Discussion of Issues, if needed

WATER QUALITY STANDARDS DELEGATES TABLE
GROUND RULES

1. All Delegates have equal opportunities to participate.

2. Discussions will stay within the objectives and scope of the Delegates' Table Charter.

3. Delegates will strive for honest and direct communication, allow open discussion and the right to disagree, and look for opportunities to find common interests, agreements, and solutions.

4. Delegates will focus on clarifying their own views and interests; they will refrain from characterizing the views of other participants, especially in conversations with the press.

5. Delegates and/or the facilitator may request a caucus break at any time during a meeting. In order to keep the flow of meetings on track, individual caucus breaks may not exceed 15 minutes

6. The facilitator is a neutral third party with no stake in the outcome of the project. Ross Strategic will structure meetings to support a respectful atmosphere and the development of trust among participants.

7. Meetings are expected to start and end on time.