



King County

Water and Land Resources Division

Department of Natural Resources and Parks

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December 17, 2010

Becca Conklin, Coordinator
Washington State Department of Ecology
Surface Water Quality Standards
PO Box 47600
Olympia, WA 98504-7600

RE: King County Water and Land Resources Division Input as Part of the Surface Water Quality Standards Triennial Review

Dear Ms. Conklin:

The King County Water and Land Resources Division has reviewed Ecology's documentation for the 2010 Triennial Review Process for the Surface Water Quality Standards for Washington State, WAC 173-201A. Thank you for the opportunity to comment on possible ways these standards could be improved in the future. The King County Water and Land Resources Division has explicit interest in the state water quality standards, both as an entity that is regulated via the Phase I Municipal Stormwater National Pollution Discharge Elimination System (NPDES) stormwater permit, and as a partner with Washington State in working to monitor and improve water quality within King County. Our recommendations are below.

1. As our highest priority recommendations, we recommend that Ecology evaluate methods for applying the United States Environmental Protection Agency's biotic ligand model wherever possible in lieu of hardness-only based criteria for dissolved copper. The Stormwater subcommittee of the American Public Works Association, Washington Chapter, has offered to facilitate a stakeholder committee on this issue and we suggest that Ecology consider the offer.
2. We recommend that Ecology improve and streamline the process and requirements to conduct Use-Attainability Analysis (UAA) for smaller waterbodies, such as wadeable streams or small lakes. The current requirements to conduct a UAA are so extensive and costly that they are only feasible to conduct for large waterbodies such as mainstem rivers. Without a reasonable process to conduct UAAs on smaller waterbodies, it is possible that a Total Maximum Daily Loads (TMDL) may be required or permit requirements may be established that are based on an unrealistic definition of beneficial uses for that water body. We recommend that Ecology assemble a stakeholder group, including US EPA, to develop a streamlined UAA process for smaller waterbodies.
3. We recommend that Ecology adopt the criteria in the National Toxics Rule to establish human health-based state water quality standards for Washington State. Many of the chemicals with criteria in the National Toxics Rule currently have no Washington State surface water quality standard.

4. Assuming human health criteria are adopted by Ecology above (number 3), we recommend that Ecology consider revisiting the risk analysis fish consumption assumptions used to set human health water quality criteria. There are a variety of issues that we recommend considering when evaluating fish consumption rates, including the beneficial use of the water body, the biological productivity of the water body, and the presence of subpopulations that may have a higher-than-average consumption rate amounts of locally-sourced seafood.
5. We recommend that Ecology explore the development of microbial indicator(s) that are more predictive of pathogenic potential than fecal coliform bacteria.
6. We recommend that Ecology adopt the federal criteria for nonylphenol in the water quality standards for Washington State.

Finally, we also recommend that Ecology track the development of scientific data and federal criteria for chemicals for which there are no Washington State surface water quality standards. We understand that establishing a water quality standard requires a substantial level of effort and scientific knowledge about aquatic and human health toxicity. It is our hope that Ecology will eventually expand the list of chemicals with surface water quality standards to more completely reflect the current knowledge regarding known and potential chemicals/pollutants of concern. Chemicals and chemical classes we encourage for consideration include:

- Natural and synthetic hormones and other endocrine disrupting compounds
- Metals and metalloids, e.g., aluminum
- Polycyclic-aromatic hydrocarbons (PAHs)
- Polybrominated diphenylethers (PBDEs)
- Phthalates
- Phenols, e.g., alkyphenol ethoxylate and degradation products
- Personal care products and pharmaceuticals
- Nano-materials

We wish to express our thanks and appreciation for the opportunity for this review. We look forward to working with Ecology on these issues in the future.

Sincerely,



Mark Isaacson
Division Director

cc: Curt Crawford, Manager, Stormwater Services Section, Water and Land Resources
Division (WLRD), Department of Natural Resources and Parks (DNRP)
Doug Navetski, Supervising Engineer, Water Quality Compliance Unit, WLRD, DNRP
David Batts, Senior Engineer, Stormwater Services Section, WLRD, DNRP
Randy Shuman, Manager, Science and Technical Support Section (STS)
Jim Simmonds, Supervisor, Water Quality and Quantity Groups, STS