



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

Reply To

Attn Of: OW-135

FEB 11 2008

David C. Peeler, Program Manager
Department of Ecology
P. O. Box 47600
Olympia, Washington 98504-7600

Re: EPA Approval of the 2003/2006 Revisions to the Washington Water Quality Standards Regulations

Dear Mr. Peeler:

DAVE

The Environmental Protection Agency (EPA) has completed its review of the 2003 revisions to the Washington water quality standards (WQS) regulations and the 2006 WQS revisions made pursuant to EPA's March 23, 2006 disapproval action. We conducted our review pursuant to our authority under Section 303(c) of the Clean Water Act (CWA) and the implementing regulations at 40 CFR 131. Today, EPA is taking action on the new and revised standards in the 2003 and 2006 rulemaking revisions on which we have not previously acted. Therefore, in accordance with CWA section 303(c), EPA is approving the water quality standard provisions of these rulemaking packages which include:

- new fresh water use designations for salmon and other aquatic life,
- new numeric temperature criteria,
- specific salmonid use designations for rivers and streams throughout Washington state,
- specific application of the salmonid spawning temperature criteria,
- several narrative temperature provisions and
- several miscellaneous provisions.

This approval also includes revisions to the ammonia criteria in WAC 173-201A-240, included as part of the 2003 rulemaking package, subject to the results of ESA consultation under Section 7(a)(2) of the Endangered Species Act (ESA). If the consultation identifies deficiencies in the standards requiring remedial action by EPA, EPA retains the full range of options available under Section 303(c) for ensuring water quality standards are protective of designated uses.

The enclosed document provides a detailed description of each of the above provisions and EPA's basis for approval. The enclosure also provides EPA's approval of the editorial and formatting changes made to various water quality standards such as the numeric criteria for turbidity, dissolved oxygen, total dissolved gas, and pH. The editorial changes did not alter the water quality standard that EPA previously approved, and that was in effect in the 1997 standards. EPA is acting on these provisions to ensure that the reformatted provisions are in effect under the CWA. Finally, the enclosure identifies the provisions that EPA is not taking an action on because we do not consider the provisions water quality standards under section 303 of the CWA.

Today's approval, in combination with previous EPA determinations and approval of various portions of the Washington's 2003 revised water quality standards on January, 12, 2005, March 22, 2006, March 23, 2007, and May 2, 2007 now completes EPA's review of the 2003 WQS revisions. This approval action also completes EPA's review of Ecology's 2006 WQS revisions which adopted EPA's recommendations identified in its March 23, 2006 disapproval action as necessary to meet the requirements of the CWA, in accordance with section 303(c)(3). Therefore Ecology and EPA have completed their CWA obligations stemming from EPA's March 22, 2006 disapproval action.

Also, today's approval concludes a significant amount of work on the part of your agency and others to revise the water quality standards to reflect the most recent scientific information on temperature and salmonids. Accordingly, we believe implementation actions to attain and maintain these new standards will significantly aid in the protection and recovery of salmonid species in the state. We congratulate you on this important accomplishment and appreciate the collaborative process with the tribes, federal and state fish agencies, and other stakeholders in this effort. We believe the final standards were improved by this coordination and understand that Ecology and the recognized Tribes of the State of Washington have established the Ecology/Tribal Environmental Council (ETEC) to help future collaboration between Ecology and the Tribes. We believe this Council will be helpful to address future water quality standard revisions.

Except for the ammonia criteria as discussed above, EPA has completed consultation on today's approval action with the U.S. Fish and Wildlife Service and National Marine Fishery Service under Section 7(a)(2) of the Endangered Species Act (ESA). That consultation concluded that EPA's approval action is largely beneficial and would not jeopardize the continued existence of any endangered or threatened species. As part of that consultation, there were several conditions set forth to minimize any adverse effects to ESA listed species, which include: reviewing the dissolved oxygen criteria; establishing a process to review new fish use information in coordination with the tribal and state co-fisheries managers and other stakeholders and, if needed, periodically revise the standards; applying the antidegradation policy to protect salmonid uses; and minimizing the thermal impacts from point sources discharges. We look forward to working with you in carrying out these items.

We appreciate the efforts of you and your staff to coordinate this action with EPA throughout the water quality standard revision process and look forward to our continued collaboration on future standards work. Please feel free to contact me at (206) 553-7151, Jannine Jennings at (206) 553-2724, or John Palmer (206) 553-6521 if you have any questions or concerns regarding this action.

Sincerely,



Michael F. Gearheard
Director
Office of Water & Watersheds

Enclosure

cc: Melissa Gildersleeve, Washington Department of Ecology
Fran Wilshusen, Northwest Indian Fisheries Commission
Steve Landino, NOAA Fisheries
Ken Berg, USFWS