



WASHINGTON STATE
DEPARTMENT OF
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Water Quality Program Responsiveness Summary

Fiscal Year 2000 TMDL Priority List

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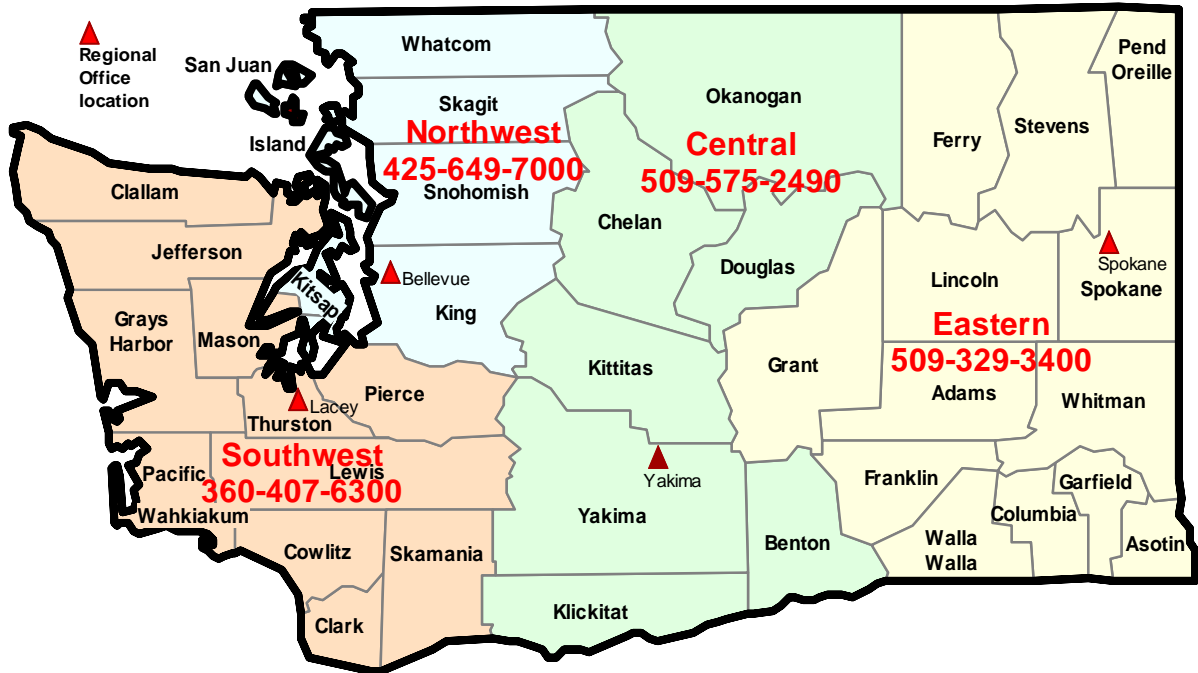


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Washington State Department of Ecology
Water Quality Program

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Responsiveness Summary

Fiscal Year 2000 TMDL Priority List

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Introduction

This responsiveness summary has been prepared to address public comments pertaining to the Water Quality Program's proposed fiscal year (FY) 2000 Total Maximum Daily Load (TMDL) Priority List. These TMDLs will be started in FY2001 (July 2000 - June 2001).

TMDLs are plans for cleaning up polluted water bodies so they can meet water quality standards. Water Cleanup Plans (TMDLs) identify the pollution problems, allocate the maximum allowable pollution from various sources, and develop strategies to achieve those limits.

Water Cleanup Plans (TMDLs) include the following components:

- ◆ Identification of the type, amount, and sources of water pollution in a particular water body or segment;
- ◆ Determination of the capacity of the water body to assimilate pollution and still remain healthy;
- ◆ Allocation of how much pollution each source will be allowed to discharge;
- ◆ A strategy to attain the allocations; and
- ◆ A monitoring plan to assess effectiveness.

Community involvement is very important to the process of developing these plans and putting the plans into action. The local community, with Ecology's support and assistance, needs to be involved to help determine how pollution will be reduced to improve water quality.

Why Develop Water Cleanup Plans (TMDLs)

Section 303(d) of the Clean Water Act (CWA) requires that, every two years, states prepare a list of water bodies that fail to meet water quality standards. All water bodies identified on the list must attain water quality standards within a reasonable time frame, either through a TMDL, or through other pollution controls.

Nearly 700 water bodies in Washington State still fail to meet standards. End of pipe discharges from cities and industries (point sources) and diffuse runoff and habitat destruction (nonpoint sources) contributes to declines in good water quality. Typically, nonpoint pollution comes from everyday activities like household and garden chemicals, runoff from urban streets, agriculture, logging and failing septic systems.

The purpose of a water cleanup plan is to determine the amount of pollution a waterbody can receive and still remain healthy for its intended uses. Uses include industrial process water, agricultural irrigation and stock watering, drinking water, recreation, and fish habitat.

What is a Typical TMDL Process?

The cleanup process begins with the development of a technical report analyzing the pollution parameters identified for a water body in the Section 303(d) list of impaired water bodies. This study takes approximately one to two years to scientifically identify the pollution sources and the load allocations needed to return the water body to standards. The technical report provides a single source of data and analysis for the community and Ecology to join together to determine pollution control strategies.

During this period, involved members of the community are apprised of the situation as it develops. Pollution control strategies will be reviewed together and converted into solutions and activities. Solutions should be economically feasible and capable of early implementation by the community and Ecology. Implementation activities may continue for some time into the future until follow-up monitoring indicates that water quality standards have been reached.

What is the Schedule for Washington's Cleanup Plans?

According to a legal settlement agreement signed in 1998, Ecology had 15 years to develop plans to clean up 666 water bodies, to help local governments write their own plans, or to work with them in partnership. Reviews every five years will evaluate progress. The water bodies identified on the FY2000 TMDL Priority List continue the fifteen-year schedule and clean up process (see priority list below).

Priority Water Bodies to begin Cleanup Plans in FY2001 (Jul 1, 2000- Jun 30, 2001)

WRIA	Primary Location	Water Body	Pollution Problems
49	Okanogan Co	Okanogan River	PCB and DDT
37	Yakima Co	Granger Drain	Fecal Coliform
49	Okanogan Co	Similkameen River	Arsenic
41, 43	Grant Co	Moses Lake, Rocky Ford Creek, Upper Crab Creek	Phosphorus
3	Skagit Co	Carpenter Cr, Fisher Cr, Fisher Slough, Skagit Basin	Fecal Coliform and Temperature;
10	Pierce Co	South Prairie Creek	Fecal Coliform; Temperature
10	Pierce Co	Meeker Ditch and Clark's Creek	Fecal Coliform, pH, Dissolved Oxygen, and Temperature
18	Clallam Co	Dungeness River/Bay Expansion	Fecal Coliform

WRIAs (Water Resource Inventory Areas) are large watersheds.

Responsiveness Summary Background

The FY2000 TMDL Priority List was developed as a result of a considerable year-long effort that began in September 1999. This included:

- ◆ gathering technical data and information around the state;
- ◆ holding workshops last fall to identify priority water bodies for development as TMDLs;
- ◆ informally discussing these selections with the public;
- ◆ consideration by an Ecology joint management team; and,
- ◆ a formal public comment period held between April 7 and May 19, 2000.

Comments were received and considered from 42 individuals and entities. Respondents asked a number of questions concerning the water bodies selected and others. Some questioned and challenged the need for cleaning up specific water bodies. The majority expressed interest in why Ecology could not expand their TMDL efforts into more water bodies and asked for assistance with local pollution problems near the residences of the respondents. The general answer to those questions is that there are insufficient resources to do the amount of work that is needed and that Ecology cannot interfere with problems and solutions that are within the domain of local jurisdictions.

A specific question was raised as to the practicality of continuing the study of arsenic in the Similkameen River in Okanogan County given the current uncertainty of the water quality standard. Several other respondents specifically questioned establishing a water cleanup plan on the Moses Lake/Rocky Ford Creek/Upper Crab Creek complex of waterbodies in Grant County. Ecology considered these questions and objectively reviewed the environmental benefits of continuing each of these works. Staff reviewed technical, historical, managerial, and local perspectives along with local involvement and commitments for each case. They recommended continuing the establishment of a water cleanup plan on each of these water bodies. However, inherent to that decision was the recognition that while each study is being conducted, Ecology will continue to integrate any changes in standards or rules that may apply.

There were several telephone conversations with individuals who were environmentally concerned about the health of water bodies in their areas. Their names are Scott Merritt of Puyallup; Clovis Abbott –concerned about the Okanogan River; B. J. Endisk – interested in the Dungeness River/Bay TMDL; Roger Flynn of Leavenworth – concerned about the health of the Wenatchee River; Larry Mitchem of Sedro-Woolley – concerned about Carpenter Creek; and Ray Smith of Anacortes – interested in cleaning all waters in Washington on a schedule. Hopefully, their questions and input were handled during the course of the phone calls. Their level of concern, personal interest, and in some cases involvement in improving Washington’s water quality requires their being noted in this summary.

Each water body listed was also reviewed for its potential for meeting water quality standards through pollution controls other than TMDLs. No water bodies were deferred due to other pollution controls.

After considering all the public comments contained here-in, the final FY2000 TMDL Priority List is as shown in the above table.

TMDL Responsiveness Summary

Public comments included in this responsiveness summary came from individuals and entities located in Washington State. The comments and responses have been organized geographically by Ecology Regional office (Central; Eastern; Northwest, Southwest). The names of respondents are shown in parentheses at the end of each comment. Some editorial adjustments were made to consolidate questions and comments and to promote overall brevity.

General Comments Applicable Statewide:

Comments: Northwest Environmental Advocates (Allison LaPlante)

- 1) Our involvement, as well as that of other Washington environmental organizations, could have been better utilized at earlier key points in the process.

The Department of Ecology's lack of outreach, combined with the paucity of information currently available regarding the rationale for the list, makes it difficult to understand the basis and the soundness of Ecology's prioritization. The information contained in the FOCUS Sheet provides no basis for understanding why given water bodies and parameters were selected.

- 2) The MOA states that the greatest weight in determining TMDL priorities will be given to 1) vulnerability to degradation, and 2) the risk to public health, aquatic life and other wildlife. The selection of a number of water bodies and parameters on the draft priority list seems wholly unrelated to the "vulnerability" and inconsistent with factor #2.
- 3) Granger drain was selected for fecal coliform when it was also listed on the 1998 303(d) list for temperature, dieldrin, DDT, and dissolved oxygen
- 4) In South Puget Sound, several creeks were chosen primarily for TMDLs based on fecal coliform when other larger water bodies were listed for more dangerous toxics.

Given the threat to public health and wildlife associated with many of these other parameters, a decision to focus instead on many TMDLs for fecal coliform is illogical, irresponsible, and inconsistent with the statute and the MOA.

Understanding the other factors inherent to prioritization, we urge Ecology to set priorities based first and foremost on improving the water quality that is causing critical impacts to highly sensitive beneficial uses that cannot be treated or prevented- to focus on long term health of humans and viability of wildlife populations

- 5) Finally, it is unclear the extent to which Ecology is keeping with the TMDL schedule in the MOA. The list of prioritized water bodies contains several which are in Water

Quality Management Areas (WQMA) other than those scheduled to be in cycle. Please explain or reasons for changing the schedule.

Response:

1) The watershed approach process is sanctioned within the MOA as the operating system for identifying and prioritizing water bodies for TMDLs on a five-year rotating cycle. This process specifies local public outreach be conducted immediately following the tentative selection of 303(d) listed water bodies within a WQMA. This was accomplished between November 1999 and January 2000. The period of outreach includes contact with tribes, local governments, CDs, agencies, and other local environmental organizations. Following the management review of TMDL selections held in February or 2000, another formal statewide public comment period was conducted during April and May 2000. A FOCUS Sheet announcing a formal statewide public comment period was mailed to numerous individual, agencies, and organizations. The results and feedback from each of these outreach efforts are taken seriously and adjustments made where substantive issues or disagreements arise concerning TMDLs, parameters, or water bodies. This continues to be a good point to make comments and affect change.

Please see the response above for a description of the public involvement efforts this year. The initial FOCUS Sheet did not contain a rationale for the TMDL selections that were made. This will be corrected in future announcements.

2) Vulnerability to degradation and risk to human, aquatic, and other wildlife are essential considerations in the prioritization process. However, these are relative terms defined by individual judgement. In the judgement of the TMDL coordinators and their management, the water bodies selected were considerably degraded (polluted) and in need of cleanup. Opportunities were presented to local authorities who agreed and so did tribes. See comments below under Central Regional Office (CRO). Only after such validations were completed were these water bodies selected for final presentation to Ecology's water managers and subsequent announcement for public review.

3) Granger Drain was a target of opportunity. It was assigned a load as part of the Lower Yakima River Sediment and DDT TMDL (DDT, and DDT derivatives) approved by EPA November 25, 1998. There may be an opportunity to also address other pesticide parameters as part of the implementation activities now underway. The Granger Drain is considered a central and highly visible part of the Yakima drainage system. The possible sources of the fecal coliform are associated with animals, humans, and runoff. Given the current level of local interest and mix of entities involved in cleanup, it was determined to be an opportune time to collect data and focus on additional cleanup of the fecal coliform parameter. It was also perceived as a potential human health issue especially in light of the sources and its use by local children for swimming.

4) After numerous meetings with local and state agency, tribal staff and watershed councils, as well as internal research and coordination, the number one TMDL priority in

the South Sound came out to be South Prairie Creek. It is the most important salmonid spawning area left in the whole South Puget basin (fall chinook, pink, coho, chum, and winter steelhead). Pierce County is currently leading a Chapter 400-12 Watershed Planning Process in the upper Puyallup, including South Prairie Creek, which could be used as the basis for an implementation plan. The lower part of the river is listed for fecal coliform bacteria. Although fecal coliform bacteria don't directly affect salmon, they are often an indication of a degraded system. Ecology has added the parameter of temperature to the TMDL. Also, information on other water quality parameters will be collected while conducting the bacteria TMDL.

Also in the South Puget basin, Clark's Creek is a salmon stream (used by juvenile chinook) and Meeker Ditch in the City of Puyallup, a tributary to the creek. Both Clark's Creek and Meeker Ditch are on the 303(d) list for fecal coliforms and pH; Meeker Ditch is also listed for temperature and dissolved oxygen. The local health department has a no-contact advisory for the ditch, which originates under the Western Washington State Fairgrounds. The city of Puyallup, with cooperation from the Puyallup Tribe, applied for and received grant funding to conduct the TMDL study, with technical assistance from Ecology. With local involvement and a partnership, the potential for a successful implementation of a cleanup plan is high.

Please see above responses for the rationale inherent to numerous water body/parameter decisions.

Ecology's criteria for Scoping 2001 will include the suggestions for highlighting priorities based first on improving water quality that is causing critical impacts to highly sensitive beneficial uses that cannot be treated or prevented and to focus on long term health of humans and wildlife.

5) Ecology is on schedule and in some locations ahead of schedule as presented in the MOA. Personnel turnover combined with lags experienced with the receipt and spending authority for both federal and state resources delayed the planned development and ramp-up of TMDL output. This condition continues to be a challenge to overcome as Ecology proceeds with implementation of the MOA and schedule. The current situation and honest estimates were presented to the representatives of the Northwest Environmental Advocates during a face-to-face meeting on June 24, 2000. Out of "basin" (WQMA) selections of water bodies for TMDLs is a normal occurrence in the Watershed Approach process. Ecology has always been cognizant of the need to facilitate opportunities especially those having nonpoint consequences. This year, out of basin selections were made to expand or complete a TMDL already developed, to take advantage of local readiness to proceed on the ground, and to respond to local interests and other agency priorities within watersheds. With the advent of the legislatively driven 2514 process (local watershed planning units) the watershed approach has grown to respond to more than just water quality issues. This situation causes competition for technical resources and a new dimension for the selection of water body projects. Simply stated, there are growing external demands on the overall water cleanup system.

Central Regional Office (CRO)

Comment: The Confederated Tribes of the Colville Reservation. Water quality standards in the Okanogan River are of great concern to the Colville Tribe. Low water quality conditions hinder the success of fish stock. We support the development of adequate water cleanup planning and implementation as soon as possible. We are committed to addressing water quality issues in the Okanogan River and its sub-basins. (Joe Peone, Director)

Response: Ecology agrees and thanks the tribe for its environmental interest.

Comment: The Confederated Tribes of the Colville Reservation. We support the development of adequate water cleanup planning and implementation in the Okanogan/Smilkameen Rivers as soon as possible and want to be kept involved. We are also planning to do some work associated with the DDT problems in the Okanogan. (Gary Passmore, Director).

Response: Ecology agrees and thanks the tribe for its environmental interest.

Comment: The Similkameen in Okanogan County is on the proposed water cleanup list, specifically for arsenic. There are sufficient uncertainties regarding the validity of the arsenic human health surface water quality standards that I suggest this water body be dropped from the list. It would not hurt for DOE to obtain more data, but I am not sure that such an effort needs to have the water body included in on the water cleanup list. (Lincoln Loehr, Environmental Analyst, HellerEhrman)

Response: The Similkameen River is listed for arsenic on the 1998 303(d) list of Washington's impaired water bodies and needs a TMDL study to resolve the issue. The current proposal to conduct a TMDL for the Similkameen River consists of three sequential steps: (1) conduct a source study to determine the sources of arsenic into the river, (2) resolve with EPA the uncertainty in the human health-based criteria for arsenic, and (3) use an acceptable criteria as a target for bringing the river back into compliance with arsenic criteria. Existing obligations from Ecology to concerned local parties direct that Ecology begin to look at the issues surrounding arsenic in this area. Because of uncertainties associated with the current human health-base criterion for arsenic (0.018 ug/L), Ecology plans to conduct only the source identification component of the proposal at this time. Steps two and three will not be started until an appropriate criterion is developed.

Ecology acknowledges the uncertainty in the human health-based arsenic criteria, and also recognizes that naturally occurring concentrations of arsenic in waters frequently exceed the numeric criteria. We have not yet verified the naturally occurring concentrations of arsenic in the Similkameen River, nor quantified external sources of arsenic that might result in elevated arsenic concentrations. The first step of the proposed TMDL will resolve this issue.

As part of the source identification phase of this TMDL, Ecology expects to investigate drainage from inactive or abandoned mining operations that might be contributing to the elevated levels of arsenic in the Similkameen River. Within Washington State, mine drainage (expression of ground water through former mine sites) can carry significant quantities of heavy metals and drain uncontrolled into the environment. An example of this would be the Ruby Mine within the Similkameen drainage. A water sample from the mine entrance in July of 1995 had an arsenic concentration of 198 micrograms per liter and an estimated flow of 12 to 18 gallons per minute. Ecology intends to continue the arsenic study in the Similkameen River

Eastern Regional Office (ERO)

Comment: A public meeting regarding Rocky Ford Creek was held on February 1, 2000. Formally request all the preparation data for the meeting: 1) Notes and minutes; 2) recordings and transcripts; 3) any post meeting data; and 4) a listing of all individuals present representing Ecology and their purpose. (Steven J Brown of Brown, Davis & Roberts)

Troutlodge, Inc. believes the cleanup process is flawed and in violation of its rights. There should be a deferral and/or a complete moratorium on Rocky Ford Creek Cleanup plan or TMDL for the following reasons: 1) previous studies and work by the Moses Lake Clean Water District were accomplished for the same purpose; 2) on April 1, 2000 EPA eliminated the requirement for states to submit a 303(d) list; 3) the state DOE did not list Rocky Ford Creek on their 303(d) list, but it was added by EPA over the objections of landowners and legislators; 4) consider revisions to NPDES and TMDL rules (not yet published) by a joint agreement dated May 1, 2000 by the US Department of Agriculture and EPA relative to agricultural and silvicultural issues.

Response: The information requested in items 1 – 4 was provided by letter dated May 26, 2000. The below addresses subsequent statements:

1) Historical studies have identified high nutrient concentrations in Moses Lake. Based on the results of these studies Moses Lake was listed on the 303(d) list for exceeding water quality standards for total nitrogen and total phosphorus (nutrients). Several restoration projects to reduce nutrient loading to Moses Lake from its watershed also have been conducted over the last twenty years, including lake dilution, sewage diversion, agricultural best management practices (BMP's), and construction of a tributary nutrient retention pond. Despite improvement in lake-water quality, nutrient levels remain elevated and nuisance algae blooms persist. One of the major findings from reviewing the lake studies is that in order to meet the nutrient targets recommended for the lake in past studies, loading limits will need to be established for the major sources of nutrients to the lake. The major direct sources of nutrients to the lake are Rocky Ford Creek, Crab Creek, Rocky Coulee Waste-way, Groundwater, Precipitation, Dilution Water, and Internal Loading. Ecology will publish a report summarizing the historical studies of the lake during fiscal Year 2001.

Ecology will conduct a study to assess the current status of nutrient loading to the lake. The major reasons for conducting this study are (1) no comprehensive water quality assessment of the lake has been done since the mid-1980's, (2) water quality data are needed in order to assign nutrient load allocations to the major nutrient sources, (3) new water quality data together with the findings and recommendations from the historical studies are needed to set nutrient loads for the lake, and, (4) a nutrient TMDL for Moses Lake is needed to satisfy the requirements of the Clean Water Act and help meet the water quality goals established for the lake by previous studies.

2) On July 13, 2000, EPA issued new rules to be effective in October 2001. These rules require states to develop 303(d) lists every four years rather than the current requirement of every two years. The next list is projected for publication in the year 2002. EPA will approve states' lists. Under current rules, and Section 303(d) of the Federal Clean Water Act, states must implement a TMDL where technology-based controls are insufficient to achieve water quality standards.

3) States must submit its 303(d) list for EPA review and approval. EPA's review of Washington's 1996 303(d) list resulted in their determination that available data required Rocky Ford Creek to be listed for pH. Records indicate that no updated information was available to refute the listing rationale.

4) Both new and old EPA rules and the Clean Water Act require TMDLs to be established on water bodies identified as not meeting water quality standards. See above response to # 2. Noted agreements do not apply since they are not included in the July 13, 2000 version of EPA's rules.

Comment: The Association of Washington Business (AWB) requests that Rocky Ford Creek be taken off the current priority list. (Kris Holm, Chair Water Quality Committee)

1) A review of the 1998 303(d) list for Rocky Ford Creek shows that it is listed for pH and not for Phosphorus. In the interim the water quality in the creek should continue to be studied to determine whether it should be placed on the 303(d) list.

2) This priority should be reconsidered because of present and evolving positions of both state and federal regulations on nonpoint sources and the TMDL program, specifically EPA's proposed new TMDL regulations. Indications are that prioritization of nonpoint source TMDLs should be reconsidered to allow time for local and state based source control programs to be put into place.

3) It is not clear that public meetings regarding Rocky Ford Creek TMDL have been held. We recommend that Ecology coordinate further with the local communities in these watersheds.

4) EPA's new regulations due in summer could affect Ecology's future priority listings.

Response:

1) Rocky Ford Creek is on the 1996 and 1998 303(d) lists for Dissolved Oxygen, pH, and Temperature. In addition, Phosphorus is a likely cause of pH exceedences in Rocky Ford Creek. One of the major findings from reviewing the lake studies is that in order to meet the nutrient targets recommended for the lake in past studies, loading limits will need to be established for the major sources of nutrients to the lake. The major direct sources of nutrients to the lake are **Rocky Ford Creek**, Crab Creek, Rocky Coulee Waste-way, Groundwater, Precipitation, Dilution Water, and Internal Loading. Therefore, Ecology will continue a nutrient TMDL for Moses Lake to satisfy the requirements of the Clean Water Act and help meet the water quality goals established for the lake by previous studies. Ecology needs to conduct the study on Rocky Ford Creek to quantify current nutrient inputs to Moses Lake.

2) On July 13, 2000, EPA issued new rules to be effective in October 2001. Under current rules, and Section 303(d) of the Federal Clean Water Act, states must implement a TMDL where technology-based controls are insufficient to achieve water quality standards. The new rules suggest that implementation plans should be tailored and flexible and give credit to incentive-based programs to reduce pollution through diverse control measures including best management practices (BMPs). Ecology intends to help design implementation plans that are economically feasible and based on local involvement.

At the present time, a technical study is being conducted to determine the contributions of phosphorus being delivered from Rocky Ford Creek to Moses Lake. The determination to establish a TMDL, or load allocation, will be made based on the data, study results, and local input. Should the study indicate a need to establish limits on the nutrient loads delivered by Rocky Ford Creek into Moses Lake, a determination will be made to continue with a TMDL, Ecology will work with the local community in a planning effort to discern the strategies needed to control nonpoint sources of the nutrients in Rocky Ford Creek.

3) Ecology has and does intend to keep the public involved in the process. An initial public meeting was held in Moses Lake on February 1, 2000. This meeting provided a technical overview of the dual situation in Moses Lake and Rocky Ford Creek. Another meeting specifically focused on Rocky Ford Creek was held on June 20, 2000. Planning has begun to continue holding a series of public meetings to discuss the evolution of this project looking at the broad issues facing Moses Lake and Rocky Ford Creek.

4) Please see response (2) above for the influence of future EPA rules. Ecology will adapt and incorporate any rule changes into the Rocky Ford Creek project.

Comment: Fishing in Rocky Ford Creek is becoming worse than in the past. The local hatchery is putting a lot of biological waste into the stream. Weed growth is a problem. I

believe the water quality in Rocky Ford Creek is deteriorated and there is a definite loss of insects. I favor cleaning up this water body. (Warren Gandy, Wenatchee)

Response: Ecology is working with the local citizens in the area of both Rocky Ford Creek and Moses Lake to facilitate action to clean both water bodies (see above references to these water bodies). Your concern for water quality and your personal participation in cleanup activities will be most appreciated.

Comment: I recently read Ecology's proposal for eliminating pollutants in Moses Lake and a portion of Crab Creek, and Rocky Ford Creek. I agree that this proposal deserves a high priority. However, I ask that you take the time to read the (attached) articles I have enclosed about Soap Lake. I believe that you will conclude that this unique body of mineral water deserves an equally high priority for cleanup unless the therapeutic quality of this mineral water will be lost forever. It would also be helpful if Ecology and Department of Natural Resources would assume jurisdiction over the control of discharges to the lake. (Herbert Snelgrove, Soap Lake)

Response: Thank you for your personal interest in the Moses Lake and Rocky Ford Creek TMDL. Your articles on Soap Lake are very interesting and make a convincing case for its being a local landmark. Soap Lake is not listed on one of Washington's list of impaired water bodies. Because of this, it has a low priority for cleanup or restoration work. Your letter has highlighted the water body to Ecology and it will again be reviewed for needed cleanup activities during the next scoping cycle in 2004.

Your state and local governments are already involved in protecting the lake. Briefly, any substantial development or discharge to the lake would need a review under the state Environmental Protection Act (SEPA), comply with the provisions of the state Shoreline Rules, and obtain either local government or state issued permits before proceeding. Please continue to be active in sustaining this unique feature into the future.

Comment: I am not aware of the bodies of water already being looked at. I believe that the Colville River in Stevens County is being looked at presently? If you have a list handy please send it to me, if not don't worry about it. I assume on this years new list that Grant Co.'s Upper Crab Creek is part of a larger effort that is already going on upstream of Grant Co.? Where does the immediate watershed of Franklin D. Roosevelt Lake stand in these rankings. Is Lake Roosevelt a bunch of different WRIA's or is it it's own WRIA? (Scott Hebner, Natural Resource Specialist, National Park Service, Lake Roosevelt).

Response: The concern is that Ecology tends to avoid the Columbia River system. It may appear that way, however, Ecology's responsibility spans the expanse of the State of Washington and must guard against becoming emersed in any one cleanup operation. Lake Roosevelt is a very large issue and better handled through multi-agency efforts such as the TDG committee. This should allow all agencies focusing on Lake Roosevelt to maintain continuous coordination on this important water body.

Comment: I have lived in Moses Lake since 1962. The lake has always had an algae problem. Several years ago we had a clean lake project that improved the lake immensely. Our community had yearly clean up projects in the spring before the water level rose. Our water quality is much better now than it was, but it certainly is not perfect. I canoe in Crab Creek. Cattle are allowed to dirty the water! I have found dead cows rotting in the water of the creek where it enters Moses Lake. How sanitary can that be? Cattle should not be permitted to use the creek. Their defecation in the source of Moses Lake is a real problem. I am sure the agricultural run-off is a problem too, but the cattle can be kept out of the water. I am anxious to help make Moses Lake the cleanest it can be. If I can help in any way, please contact me. I am very glad that the ecology department is interested in cleaning up this very important body of water. (Catherine Sly, Moses Lake)

Response: Thank you for your interest and desire to be involved in the cleanup of Moses lake and its major tributaries. Please see above comments for an in-depth discussion of the issues in the lake.

North West Regional Office (NWRO)

Comment: I learned from the office of Tim White that the parking lots of his apartment complexes are going to be "powerwashed" in the near future. Therefore the oil spills as I showed you in the photographs will be washed to Skagit River. I asked the Wastewater Treatment Plant Operator about this and he said it will indeed go straight to the river without treatment. The parking lots were powerwashed last August so maybe this is a usual occurrence. Tim White owns at least four complexes in various subwatersheds and the automotive waste problem is similar at his different properties. What can be done to make it incumbent upon the owner to clean parking lots without the oil and residue (absorbent, if any) going to the water? He seems to be habitually out of compliance in a number of areas, so he's in a pattern that seems to have worked for him. The parking lot problem is an urgent question so I hope I can receive advice soon. I would like recommendations on the best management practices for power washing of apartment complex parking lots. Especially ones with huge amounts of oil spills on them.

Does Ecology have funds available for removal of abandoned cars? There is a continual load of cars in two neighborhoods where I volunteer and the city claims to have insufficient funds in the account that deals with towing and the associated costs. I'm still asking city staff to consider this financial issue. But meanwhile, maybe Ecology has some suggestions.

The storm drains in these neighborhoods take water and pollutants directly to the Skagit River, and indirectly through Kulshan Creek and Trumpeter Creek. The Public Works Director says Trumpeter Creek is the city's best

fish habitat stream. The Trumpeter swans depend on water in the drainage from Nookachamps subwatershed, of which Kulshan and Trumpeter Creeks are part.

The amount of violators and the pollutants they put down the drains is large. There are landlords, residents, trespassers, etc. who should be held accountable. There are codes that should be enforced sooner, not later. (Liz Marshall, Mount Vernon)

Response: The responsibility for most of the questions and information provided above falls to the local jurisdiction and their code enforcement for action. Ecology has no direct influence over these local issues but will assist as resources allow. Rod Sakrison of the Northwest Office has already replied by phone. Dave Pater of the Northwest Office will also be in telephone contact to coordinate and explain Ecology's position in these matters and explain the limits of capability. Both of these individuals have access to the photographs provided.

The issues established above fall into two environmental categories. The first is a stormwater problem that affects the water quality in local waterbodies and streams. The second (abandoned cars) is a solid waste issue. Both should be handled by the city of Mount Vernon or possibly the County Health Department. The purpose of the coordinating telephone calls should add clarity as to responsibilities and future actions. The concern and active involvement in environmental cleanup by this concerned citizen are greatly appreciated.

Comment: I will be including Clean Water Act considerations within ESA response planning for Bellingham. Even though our streams are not 303d listed, water quality test results for several years have identified several parameters that consistently exceed standards. Therefore our plan will include programs and actions to address these problems. Do you have any suggestions for the scope and presentation of our response? I think I will pursue planning and actions as if we were developing a TMDL program so I am seeking advice. (Clare Foggelsong, ESA WCI Coordinator, City of Bellingham)

Response: Please continue your planning toward cleaning the waters. Every contaminated waterbody is not listed because Ecology does not have the resources to look everywhere. So, if you know of problems, by all means continue toward solutions. A small booklet on how to do TMDLs will be mailed to you. Also, Steve Hood is Ecology's water quality contact in Bellingham. He is at phone # 360-738-6254. He should be involved with your efforts and can help in many different ways. Please feel free to contact him and discuss the TMDL/cleanup planning and needs to your satisfaction. Your clarifying discussion with Joe Joy, of our technical TMDL staff was also helpful. Thanks for your interest and caring about water quality in Washington.

Comment: My comments do not concern the creeks listed, but rather Brickyard Creek which is a salmon stream that flows through the city of Sedro-Woolley. A stream

enhancement group has spent several days cleaning part of the creek east of Sedro-Woolley near the Northern State Facility. However, a mile west of there, where the creek passes under a small bridge on North Reed Street, the creek is full of debris. It's mostly downed tree branches, but garbage is collecting also, just a few feet west of the bridge. (Eloise Stendal, Sedro-Woolley)

Response: The concerns you brought up about Brickyard Creek (garbage and downed branches) would probably be addressed more quickly by contacting the responsible local agencies that deal with Solid Waste Management. In Skagit County, that is the County Health Department and Public Works. Depending on the volume of downed branches, if they are not blocking fish passage in the creek they may be providing some shade and shelter for the fish, which is also an important consideration. Ecology currently has two water clean up planning processes (or TMDL's) on-going in the Lower Skagit Basin downstream from Sedro Woolley and Skiyou Slough. Brickyard Creek is included within the planning area. The water quality parameters covered under these processes include fecal coliform bacteria and dissolved oxygen. If you need more information on these clean up efforts please inquire. Unfortunately I don't believe that these planning efforts can assist you with immediately addressing your concerns, but I thought it would demonstrate that overall water quality issues are being considered in Brikyard Creek.

Comment: We support the cleanup of Carpenter Creek here in the Mount Vernon area. Also we want to call your attention to Maddox Creek. It crosses Blodgett Road a few yards south of Anderson Road. The sign proclaims it to be a salmon stream, yet in the ten years we have lived on Blodgett, we have seen this stream constantly abused. At present, a building project is beginning in the field between Blodgett and Cedardale Road, immediately south of Anderson. Maddox Creek crosses this field. If someone from your office has the opportunity, Maddox Creek should be researched to see if it is being protected. (Mr. & Mrs. B. Sonnabend, Mount Vernon)

Response: Shortly after receiving your email, the inclusion of Maddox Creek in the Carpenter/Fisher Creek TMDL Study was discussed at a local meeting. The final scope and design of the TMDL research project will be developed over the next few months. Maddox Creek is not carried on any of Washington's Section 303(d) lists of impaired waterbodies. This presents a low priority for restoration and cleanup work. Consequently, the potential inclusion of Maddox Creek in the study design must be balanced with the need for further information on fecal coliform bacteria, stream flow information and temperature related parameters within Carpenter/Fisher Creeks. Currently, it appears that adding Maddox Creek to the project at this time may expand the project size beyond technical capability limits. However, you have certainly highlighted this water body to Ecology, and although Maddox Creek may not be included within this study, It will certainly be considered for future TMDL monitoring studies during the 2004 scoping cycle .

Comment: The Suquamish Tribe requests that Dogfish Creek, Dyes Inlet, Sinclair Inlet, and Eagle Harbor be considered priorities in the Water Cleanup Program. These

waterways are on EPA's Clean Water Act 303(d) list of impaired water bodies, and are within the Suquamish Tribe's Usual and Accustomed Fishing Area. (Phyllis Meyers, Suquamish Tribe Fisheries Environmental Director)

Response: In your May, 1 2000 letter you made a number of good points for the Department of Ecology to initiate water clean up planning processes for Dogfish Creek, Dyes Inlet, Sinclair Inlet and Eagle Harbor. The Navy is currently conducting a TMDL oriented technical study on Sinclair Inlet.

The process for annually determining which water bodies TMDL studies are initiated in is partial based on Ecology's five year Water Quality Management Area process. Kitsap completed scoping last time in 1997. A number of water bodies in Kitsap (WRIA 15) were placed on the TMDL list, ie., Sinclair Inlet, Gorst Creek, and Union River. The other water bodies you named were seen as limited but could not receive a TMDL because of limited resources. Kitsap will again be scoped for TMDLs and water quality issues in the fall of 2001. In this way, Water Resource Inventory Areas (WRIA) which are in the scoping year of this five year cycle are more of a priority for initiating TMDLs than non scoping year WRIs. For example this year WRIA 49 (Okanogan basin) had two TMDL projects awarded. However, the selection process does not totally exclude basins that are in their scoping year. You are encouraged to work with Ecology's TMDL contact for the Kitsap Basin (David Pater) to develop a project proposal by January 2001 for initiating a TMDL study on one your areas of concern. The proposal should focus on what additional water quality monitoring or other environmental information is needed in the basin so that there is enough background to develop and implement a TMDL water clean up plan. Mr. Pater can be contacted at (425) 649-7093 to discuss project ideas.

Comment: Apparently, Carpenter Creek is next on your hit-list. I read about it in the Skagit Valley Herald, last week. The public employees quoted in the article were very pointed about who was already guilty before any real effort has been made to, in your words, 'improve water quality'. This is not about whether our farm is doing well environmentally, or not, as much as I feel the crosshairs on the scope are already trained on us as a judgment that we're guilty of wrong doing. I don't handle that very well.

To give you a little history about the hillditch(Carpenter Creek), it was dug as a manmade drainage ditch in the 1920's. I have access to pictures of that process. Its purpose is to keep creek water and other drainage off the flatland so we can farm the flatland. Part of the reason the water is not clean is because of some of the soil that it crosses to achieve its end is peat ground. That's part of the reason it's brown. I don't think that even with a totally pure environment that the water of the hill ditch will ever be clear.

For as bad as DOE claims this waterway to be, there is still aquatic life in the stream. I think if fewer fish were caught in other places, it might be that more fish make it to spawning, on this stream and many others. I believe that the water temperature would be much cooler, if that's so important, to just dig out the sediment that builds up in the hillditch after heavy rainfall. That is a lot more conducive to live fish and cool water than planting trees and the like. Just keep the water deep. That sounds to me like a good new

cliche' that's kind of catchy! Along with keeping the waterway clear of sand and dirt, when large quantities of water are present, we are freed of so much potential flooding because the water gets away faster! Remember, this is a drainage ditch, that the fish found it, and have liked it ever since.

I hope that as this creek is monitored, that the employees of the Department of Ecology have a mind to help people do a better job environmentally, rather than coming in with an arrogant, 'godlike' attitude. To me, this attitude is represented by saying that farmers are first on the list of environmental perpetrators.

One of the solutions to aid the fish population would be to cut out fishing seasons for a while. I think you would be astounded to find that there would be more fish if we left more of them in the water. Buffer zones, until science proves otherwise, are a poor choice for you to tell me to give up my land. I have put no fertilizer or manure within 25 feet of the drainage ditches, and what do you know, nothing grows there. As a result, I have given up over 20%+ of crop yield by staying away from waterways. When manure or fertilizers are applied properly, there is no movement of the nutrients, thus validating my thoughts at having no buffers. I dearly wish the DOE would use sound science for all the good they wish to do, rather than letting public sentiment lead the charge-at my expense, and ultimately YOURS. (Dave Boon, Mount Vernon)

Response: Your message was forwarded to the individual in the Northwest Office who will actually handle the completion and implementation of the TMDL. That person is David Pater. He will contact you soon.

Please realize that there are no "sights" on a TMDL. It is simply a scientific study to discern how much pollution is entering the water body from what sources and how much can the water assimilate and still maintain water quality standards. When the study is completed solutions to the pollution problem will be developed. If you have not participated to date, please join the effort to keep Washington's waters clean.

The Fisher/Carpenter Creek TMDL project is going to be a research study for gaining a better understanding of fecal coliform bacteria and temperature problems in the basin. The research information is needed so that once the TMDL process moves into developing ideas to bring these creeks back within state water quality standards, we can come up with solutions that will address the issues in the most efficient and effective manner.

The development of TMDL implementation activities to clean up these water bodies will be a cooperative process among state and local government agencies, the public, local landowners, Skagit Conservation District and local tribes. It's critical to get local involvement and subsequent buy-in into the solutions that will be developed through this TMDL process. Without it, cleaning up these streams will be much more difficult. Your name was placed on the Skagit TMDL mailing list. Your future participation will help get locally acceptable solutions to these water quality problems.

Southwest Regional Office (SWRO)

Comment: Pollution sources in Clarks Creek are caused by: 1) the state fish hatchery releases nutrients nourishing elodea; 2) the Puyallup Fair grounds pollutes Meeker Ditch which in-turn pollute Clarks Creek; 3) many geese and ducks that poop tons into the Creek; 4) the silt that pours in from South Hill. Solutions: 1) remove silt; 2) install filters at Meekers Ditch, state fish hatchery, on all pipes; 3) erosion control on South Hill; 4) control wildlife population. I favor spending money on restoring rather than studies. (Doris A Donohue, Puyallup and Elmer Jones,Puyallup)

Response: Thank you for the information on pollution sources and solutions needed to clean the water quality in Clarks Creek. Yours is valuable information and will be closely considered as Ecology proceeds with the cooperative cleanup operations in Clarks Creek. You have already been contacted by Jeannette Barreca of the Southwest Office and you are further encouraged to remain active and involved as the project progresses. Your interest and concern for improved water quality is appreciated.

Comment: We live in the Riverwalk Condos in Sumner-there are 99 homes and 36 are on the river in this development. There is a problem with river homeowners mowing the top of the bank (which is in the Sumner jurisdiction) and then some of them have taken out all the growth clear down to the river bank (this is the state's jurisdiction). We have letters from the state and the city of Sumner telling us that we can mow up to three times a year and they will work with us to establish a natural growth area. The problem is that the city is now telling us that we can limb all the trees up to ten feet and that we can cut the way that the landscaper has been doing. We can't get anything in writing that states the first letters that they wrote are null and void. The Board of Directors that we have now want the area to look like a park no matter how often that we break the law. I want to know what can be done with these homeowners that are causing erosion of the bank area . Can the ecology dept fine these people or would the whole association be fined. We have tried to get city and state officials down here to look at the damage that is being done-so far we are sitting in limbo. (Judy Kane, Sumner)

Response: The issues above are within the responsibility of local authorities. Leanord Bauer, 253-891-3300, the Community Development Director, city of Sumner responded to a fax sent to him about the cutting of natural vegetation near the condo development by the Puyallup River. He confirmed that this is a local issue. He was also provided recent e-mails on this issue. Below is his response.

Leonardb@ci.sumner.wa.us . Thank you for contacting the city of Sumner immediately regarding this local issue. The issue that Ms. Kane brings up has a long and complicated history that dates back to the creation of Riverwalk condominiums. At that time, a 50-foot native growth easement was dedicated. The easement is measured from the top of the bank, and does not include any area below the top of the bank. There have been

numerous on-going complaints about the maintenance of this easement by the condominium association, and about the city's attempts to ensure that it serves its original purpose. My staff and I have met many times with the condominium board of directors, and the entire association. We have included WDFW staff, Conservation District staff, and others in these conversations at various times. We are currently engaged with a committee from the association to establish specific maintenance standards for the easement. We agree this has been and continues to be a local issue, and appreciate your referral of this matter to us. If we can be of assistance to the Department of Ecology regarding any concerns in this matter, please direct your concerns or questions to me.

Comment: I am not sure about the Dungeness Bay-River problem but suspect the Matriotti Creek runs by the Game Farm. A local pond seems extremely dirty due to a large number of geese and other animals using it. This pond empties into Matriotti Creek that flows to the Dungeness River which is badly discolored and stinks. I have over nine years experience with the Okanogan River and did not see it as polluted. I also know the Similkameen River and it appeared clear although there are ranches and horses all the way into Canada. I don't feel your agency can improve the water quality except to check each ranch etc. and possible point of pollution. (B.L. Adamire, Port Angeles)

Response: A TMDL in Dungeness Bay is an expansion of a TMDL that is currently being conducted for fecal coliform bacteria in the Dungeness River and Matriotti Creek. A shellfish area in Dungeness Bay was recently downgraded, and Ecology has been working cooperatively with Clallam County, the Jamestown S'Klallam Tribe, WA Department of Health, Clallam Conservation District and the Dungeness River Management Team to identify pollution sources and strategize on cleaning up the river and bay. The County, Tribe, and Conservation District have all received grant funds from Ecology to conduct part of the work.

The Okanogan and Similkameen Rivers are listed on Washington's list of impaired water bodies. Ecology is required to develop a TMDL study to determine the quantities of pollution and set limits on how much can be discharged and still have the waters meet state water quality standards. Your interest and involvement in water quality issues and sightings are appreciated.

Comment: I own approximately 600 feet of Clark's Creek and have seen first hand the effects of various points of pollution, lack of shade and build up of silt and overgrowth of aquatic plants over the past 12 years. Meeker Ditch is a disgrace as well as a real hazard for pets or children who happen to play in this extremely accessible water source. The fact that it flows directly into Clarks Creek (along with the water from the hatchery up stream) means that any fish caught from the creek downstream could be a real risk for anyone foolish enough to eat it! Additionally, the duck pond contributes to the overall contamination because people insist on feeding the ducks! I would be happy to do all I can to either prevent more pollution or to clean-up the existing mess in Clark's Creek and Meeker ditch. I have seen sources of pollution firsthand (piles of manure leaching into the ditch) and would be happy to get involved. I could monitor the creek and ditch if given training. Let me know if you could use my services. (I am a Clark's Creek

watershed steward and need to fulfill some volunteer hours!) Thank you in advance. (Annette Peck)

Response: Ecology appreciates your concern for the water quality in Clarks Creek and Meeker Ditch. Most welcome is you volunteering to participate. Your name has been provide to Jeannette Barreca of our Southwest Office and she in turn has provided your name to local government authorities who will be involved in actual cleanup work.

The Clarks Creek/Meeker Ditch project is an opportunity to work cooperatively with the Puyallup Tribe and City of Puyallup in collecting important data and develop cleanup strategies for this urban waterway. It is good to have you as a member of the team. Jeannette Barreca is the project coordinator. She will be contacting you in the future (later this year) as we develop our scope of work for sampling the creek. Jeannette's telephone number is 360.407.6556 or email at jbar461@ecy.wa.gov.

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