



# Focus on **Changes to the Water Quality Standards**

from Ecology's Water Quality Program

## **Workshops and Hearings**

*Workshops begin at 6:00pm*

*Public hearings to follow immediately*

### **Olympia**

Monday, August 7  
Department of Ecology  
Auditorium  
ROA 32, 34, 36  
300 Desmond Dr.  
Lacey

### **Longview**

Tuesday, August 8  
Lower Columbia  
College  
1600 Maple St.

### **Bellingham**

Wednesday, August 9  
Whatcom County  
Courthouse  
311 Grand Avenue

### **Wenatchee**

Monday, August 14  
Douglas County PUD  
1151 Valley Mall  
Pkwy  
East Wenatchee

### **Tri-Cities**

Tuesday, August 15  
Benton County PUD  
2727 West Tenth Ave.  
Kennewick

## **Ecology to revise Washington's Water Quality Standards following EPA ruling**

The U.S. Environmental Protection Agency (EPA) has formally disapproved parts of Washington's water quality standards because they do not go far enough under the Clean Water Act to protect salmon and bull trout in certain streams and rivers. The Washington State Department of Ecology (Ecology) is proposing a new set of rules to fix the deficiencies identified by EPA.

### **Why did EPA disapprove parts of the standards?**

In 2003, Ecology revised its water quality standards and adopted new maximum temperature criteria (17.5°C, 16°C, 12°C) that apply to specific river segments to protect salmonid fish species. At the time, Ecology planned to further analyze fish-use information and, as necessary, revise where these temperature criteria apply. Ecology also adopted special criteria to protect salmon and trout, and bull trout spawning areas (13°C and 9°C, respectively) which were to be applied on a case-by-case basis.

Under the federal Clean Water Act, EPA must review a state's water quality standards to ensure they are protective. EPA must also make sure any state standards they approve will not jeopardize listed species under the Endangered Species Act (ESA) or adversely modify their critical habitat.

As part of its review, EPA analyzed available fish-use information and concluded the standards were too warm in some rivers to protect cold water fish species and to meet federal requirements. They also determined that they could not rely upon Ecology's plans to review fish uses as assurance the uses would be protected.

As part of its disapproval, EPA has identified specific areas throughout the state where it has determined the temperature criteria are not adequately protective.

### **Why is temperature such a critical issue?**

Salmon, trout, and char (bull trout) need cold water temperatures to sustain a healthy population. Warm rivers impair the growth of such cold water species, make them more susceptible to disease, and cause them to be out-competed by fish that prefer warmer temperatures. Human-caused warming of river temperatures has been identified by the National Marine Fisheries Service and the U.S. Fish and Wildlife Service as a key limiting factor in the recovery of salmon and bull trout in the state of Washington (for example, in the draft Puget Sound Recovery Plan).

## **What actions can be done to cool rivers and streams?**

Many activities contribute to water temperature problems. Over the last century, trees that provide shade along river banks have been removed due to forestry and agricultural practices and urban development. Rivers have been altered by dams and levees and the discharge of industrial and municipal wastewater.

Actions to cool rivers include:

- Planting and protecting trees near streams to provide shade.
- Reducing sediment runoff and establishing more logs in streams to create deeper channels and cooler pools.
- Removing or setting back levees to allow streams to wander more naturally, thereby increasing cool groundwater inflow.
- Restoring summer stream flow to make streams less susceptible to warming.
- Minimizing hot water discharges from industrial and municipal sources.

Although some programs are already in place to restore temperatures, more protective standards will help focus needed improvement on areas where sensitive aquatic resources occur.

## **What are the implications for other criteria, such as dissolved oxygen?**

Changing the fish-use designations for some streams will also result in more stringent dissolved oxygen criteria. Specifically, the dissolved oxygen criteria for streams that are changed to a more stringent use designation will increase from 8.0 mg/L to 9.5 mg/L. Although Ecology did not revise its dissolved oxygen criteria in 2003, the National Marine Fisheries Service and the National Fish and Wildlife Service have indicated possible concerns that the current dissolved oxygen limits, even at the more stringent use designation, may not be protective enough. Ecology has committed to further study of dissolved oxygen affects on fisheries uses over the next two years.

## **What happens next?**

After EPA disapproves a state's water quality standards, the state has the opportunity to fix the deficiencies by adopting revisions to its standards. Ecology is now proposing a new set of rules to address the use designation and temperature issues needed to gain EPA approval. Ecology has scheduled public hearings for August 2006 (see schedule on front cover of this announcement) and has begun the administrative process required to change the water quality standards regulation.

## **What changes are included in the proposed revisions?**

- Change designated uses for many rivers from salmonid "spawning and noncore rearing" to "core summer salmonid habitat" and change rule text to better describe the basis for the use.
- Change a small number of rivers to the "char spawning and rearing" designated use type and change rule text to better describe the basis for the use.
- Add salmonid spawning locations and timing windows where explicit spawning/incubation temperature criteria would apply.
- Correct miscellaneous minor (typographic) errors introduced during the 2003 rule making.

## **How can I get more information on the issues?**

To view Ecology's water quality standards rule making documents please go to the Department of Ecology website at: <http://www.ecy.wa.gov/programs/wq/swqs/epa-status.html>. Copies of the material can also be obtained on CD or on paper by contacting: Ann Kahler 360-407-6404.

**Documents available include:**

- A small-business environmental impact statement
- Cost benefit analysis
- SEPA checklist and Determination of Non-significance
- Draft Rule Language
- Maps showing streams affected by the proposed changes

To get more information on basis for EPA's disapproval please go to EPA's website at:

<http://yosemite.epa.gov/R10/WATER.NSF/Water+Quality+Standards/WA+WQS+EPA+Disapproval>

**What is the schedule for final rule adoption?**

Hearings for this rule will be held August 7-15. The comment period will end on September 5, 2006. The expected date for adopting the water quality standards rule is October 31, 2006.

**How and when can I comment on the proposed rule?**

**Comments must be sent (either postmarked or have arrived by email or fax) by 5:00 p.m. September 5, 2006:**

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