



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

from Ecology's Water Quality Program

Washington's revised water quality standards will benefit salmon

The Washington Department of Ecology (Ecology) has revised the state's surface water quality standards (Chapter 173-201A WAC) to ensure waters stay cold enough to support summer-time salmon spawning.

The state's water quality standards set regulatory requirements for maintaining the health of lakes, rivers, and marine waters. The standards set the level of pollution that is allowed to enter waters while keeping them clean and safe for people, fish, and wildlife. Standards also cover water quality attributes such as temperature and dissolved oxygen.

The newest rules enhance the state's July 2003 rules, and become effective on December 21, 2006. The revisions set colder temperature requirements and higher dissolved oxygen criteria for specific streams. These changes will better protect the coldwater fish species that use these streams.

The changes affect rivers throughout the state, including major rivers that drain into Puget Sound such as the Nooksack, Skagit, Stillaguamish, Snohomish, Green, Puyallup, and Nisqually rivers.

Ecology developed this supplemental revision to the 2003-adopted water quality standards in response to the U.S. Environmental Protection Agency's (EPA) disapproval of the state's standards in March 2006. EPA's disapproval challenged the designated fisheries uses for many streams and rivers across the state because information suggested that cooler temperatures are needed to fully protect summertime salmon spawning. This revision corrects these deficiencies.

How will the new water quality standards take effect?

Ecology's formal rule adoption of the 2003 state water quality standards replaced the previous state standards adopted in 1997, effectively repealing them. Similarly, adopting these most recent standards will result in the 2006 version replacing the 2003 rule. While the 2006 rule cannot be used as federal water quality standards under the Clean Water Act until EPA approves it, Ecology will implement the 2006 rule beginning December 21, 2006, to the fullest extent possible under existing state authority.

Ecology's decision to use the new, more protective standards prior to EPA approval recognizes that:

1. The key issues of concern to the federal agencies and tribes (the use designations and temperature criteria) have been addressed in the corrective 2006 rulemaking.
2. The state is obliged to use the most protective state or federal requirements available when conditioning sources of pollution.

Given the three-year delay in receiving EPA approval and the uncertainty of when final federal approval will be received, Ecology believes this is the best course of action for protecting water quality in the state. The decision to use the most recently adopted state standards prior to EPA approval will avoid confusion on which standards to apply and will result in better protection of the state's waters sooner.

How will implementation of the new standards affect permits, TMDLs, & the 303(d) list?

New NPDES (wastewater discharge) permits and permits that are up for renewal after December 21, 2006, will need to meet the more stringent requirements in the revised water quality standards. This may result in revisions to permit limits for existing facilities. In such situations Ecology will use available compliance schedule provisions and technical assistance to help facilities come into compliance with the new standards.

Ecology does not plan to immediately revise completed TMDLs (water quality improvement plans) because we believe the difference in achieving compliance with the old and new standards is not significant for waters where TMDLs have been completed to date. Instead Ecology will use the new standards for compliance tracking. If, over time, it appears that the implementation plan for the TMDL is not working to bring the water body into compliance with the new standards, Ecology will take steps to revise the TMDL.

Ecology will begin using the more stringent requirements in new standards for developing the 303(d) impaired waters list beginning with the 2008 listing cycle.

What happens next?

- Effective December 21, 2006, Ecology will implement the more stringent requirements in the recently adopted 2006 water quality standards (that include the 2003 revisions). Key elements of this implementation include the revised temperature and dissolved oxygen criteria and the "water quality antidegradation program," which strives to prevent degradation of water quality.
- Ecology is currently evaluating if stricter dissolved oxygen criteria are needed to protect the incubation of salmon, trout, and bull trout. If any changes are determined appropriate, Ecology will address them through a future rule-making process where public involvement opportunities can be provided.
- Beginning in the summer of 2007, Ecology plans to hold a series of public meetings to discuss what further updates, improvements, or guidance is needed to improve the state standards.

How can I get more information?

To view Ecology's water quality standards rule-making documents, including final rule language and maps, please go to the Department of Ecology Web site at: <http://www.ecy.wa.gov/programs/wq/swqs/index.html>. Copies of the material may also be obtained on CD by contacting Ann Kahler at 360-407-6404 or by e-mail at akah461@ecy.wa.gov.

For more information or to be added to the water quality standards mailing list, contact Mark Hicks at 360-407-6477 or by e-mail at marh461@ecy.wa.gov.

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