

Updates to Water Quality Standards (WAC 173-201A)

The Washington State Department of Ecology (Ecology) is working on two related rules for the Water Quality Standards for Surface Waters of the State of Washington, Chapter 173-201A WAC:

1. Establishing new human health criteria.
2. Providing new implementation and compliance tools for dischargers.

Adopting new human health criteria

Human health criteria are limits set for toxic substances to protect people who consume water, fish, and shellfish from Washington's water bodies. They address substances such as metals, pesticides, and other organic compounds. Washington's surface water quality standards currently lack human health criteria, so Ecology is required to operate under the federal criteria established in EPA's 1992 National Toxics Rule. These federal criteria are out-of-date. EPA requested that Washington use new science and information to adopt updated human health criteria into our state's surface water quality standards.

Modernizing implementation and compliance tools

Ecology recognizes the need to modernize the compliance and implementation tools available for dischargers to effectively address increasingly smaller concentration limits for contaminants. New human health criteria may result in revised discharge permit limits for industries and municipalities. They may be challenging to achieve in the short term because technology has not yet caught up with the science. Recognizing this, Ecology initiated a concurrent rule process to create advanced regulatory tools for regulated permit dischargers. This process will allow them to remain in compliance as they effectively work toward improving technology that will meet new permit limits and control sources of pollutants.

The Water Quality Policy Forum

To support these concurrent rule processes, Ecology established an extensive public process to engage stakeholders and key parties. Ecology set up a series of meetings and webinars, called the

MORE INFORMATION

Read more about all current surface water quality standards rulemaking activities:

www.ecy.wa.gov/programs/wq/swqs/Currswqsruleactiv.html

Join our ListServ to receive news and information about water quality from the Department of Ecology:

<http://listserv.wa.gov/cgi-bin/wa?A0=ECOLOGY-WATER-QUALITY-INFO>

Learn more about Reducing Toxics in Fish, Sediments and Water:

www.ecy.wa.gov/toxics/fish.html

Contact information

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Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Water Quality Policy Forum, to enable all interested stakeholders to participate in the rule development process.

The Policy Forum meetings focus on providing an opportunity to engage the public and educating stakeholders on the complex technical and policy issues involved in adopting human health criteria. As part of this effort, Ecology will present detailed, real-world scenarios at the webinars to illustrate how new criteria could be applied and how new implementation and compliance tools could be used in permits. Ecology also developed extensive web-based information for interested parties, including technical studies, presentation materials, video presentations, and access to webinars and rule ListSers.

With feedback from the Water Quality Policy Forum, Ecology will develop draft rule proposal options that will provide a complete picture of the scope and impact of the rules. Ecology will provide all draft rule language and supporting documents for additional stakeholder input and tribal government-to-government consultation before rules are finally adopted.

The Delegates' Table

As part of the Water Quality Policy Forum, Ecology will convene a "Delegates' Table" consisting of delegates from the key stakeholder groups, including local government, business, ports, and environmental organizations. The central role of the Delegates' Table is to engage in discussion, bring constituent concerns to the Water Quality Policy Forum, and gain an increased understanding of other stakeholders' views. The Delegates' Table became actively involved in spring 2013, after the Policy Forum meetings provided adequate educational material to help the participants have meaningful discussions around the complex issues related to human health criteria. The Delegates' Table will help inform Ecology as we move forward towards rule options, formal rule-making on draft rules, and final rule adoption.

Water Quality Policy Forum Schedule

- **Policy Forum 1: October 29, 2012**
 - Orient and introduce participants to the scenarios as a way to discuss implementation.
 - Discuss the cost and how it gets factored into the development of rules under the state Administrative Procedures Act but not into surface water quality standards.
- **Policy Forum 2: December 10, 2012**
 - Explain the scope of the Clean Water Act and what will be addressed in these rules.
 - Present specific scenarios highlighting the regulatory challenges.
 - Provide stakeholders with information about the limitations of the Clean Water Act and the complexities of implementing more protective criteria.
- **Policy Forum 3: February 8, 2013**
 - Help stakeholders understand the risk level aspect of the Human Health Criteria equation as a significant public policy discussion. Explain how risk levels are used in other

- regulations. Provide sufficient background for an informed discussion with the Delegates Table on risk rates.
- Use scenarios to demonstrate how risk rate policy choice affects criteria calculation and scenario outcomes.
 - **Policy Forum 4: March 28, 2013**
 - Provide understanding about the chemicals covered in this rule effort and the complex issues associated with pervasive and natural occurring chemicals and toxics that are legacy pollutants (e.g. methylmercury, arsenic, and PCBs).
 - **Policy Forum 5: May 23, 2013**
 - Explain how the Department of Health does fish advisories and addresses chemicals.
 - Discuss how the rest of the human health criteria equation works.
 - Discuss the criteria calculations for carcinogens and non-carcinogens, and the differences between the associated policy changes.
 - **Policy Forum 6: July 11, 2013**
 - Continue conversations about inputs and approaches to the human health criteria calculation, sources of toxics in Washington waters, sources of fish, and Clean Water Act coverage.
 - Discuss inputs to criteria calculations, and uncertainty and compounded conservatism.
 - **Policy Forum 7: September 12, 2013** (*tentative*)
 - Discuss the science and policy related to human health criteria, what fish consumption rates mean, policy choices and regional data, how to handle salmon under the scope of the Clean Water Act, and other states' fish consumption rates.
 - Present scenarios to show how different policy choices on fish consumption affect criteria calculations and scenario outcomes.
 - **Policy Forum 8: November 6, 2013** (*tentative*)
 - Specific input from delegates.
 - What is likely to be in the draft proposed rules: Discussion of most likely risk management directions for human health criteria CR-102 draft rule and most likely direction for implementation tools CR-102 draft rule.

How can I find out more information?

To find out more about the surface water quality standards rule makings and Policy Forums:

www.ecy.wa.gov/programs/wq/swqs/Currswqsruleactiv.html

To find out more about human health criteria and Ecology's efforts to revise the surface water quality standards, contact:

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What is the Process for Developing New Rule Language?

