

Updating Washington's water quality standards for toxics

In September 2012, the Washington State Department of Ecology (Ecology) began formal rule-making to adopt new human health criteria in the Water Quality Standards for Surface Waters of the State of Washington, Chapter 173-201A WAC. The state's water quality standards are important because they guide how the state regulates water pollution. The human health criteria help keep Washington's waters healthy for fish and shellfish to protect people who eat them.

Q: What are human health criteria?

A: Human health criteria are standards set on toxic substances to protect people who consume water, fish, and shellfish from Washington's water bodies. They include substances such as metals, pesticides, and other organic compounds. Washington's water quality standards currently lack human health criteria. Instead, we have applied criteria established in the federal 1992 National Toxics Rule that is mandated by the Environmental Protection Agency (EPA). These federal criteria are out-of-date and EPA is requesting that states use new science and information to adopt updated human health criteria into their own state water quality standards. We believe it is in the best interest of Washington to perform this work now to protect the high quality of our state's natural and commercial fish and shellfish resources. More importantly, this will help to protect the health of everybody who eats fish and shellfish.

Q: What factors are considered in developing human health criteria?

A: The process of developing new human health criteria will take into account factors used to calculate each chemical criterion including risk, duration of exposure, and more accurate data about how much fish and shellfish people eat in Washington State. Oregon updated its standards with more accurate fish consumption information and updated toxicity factors in 2011. Idaho is currently reviewing its standards as well.

MORE INFORMATION

Read more about human health criteria rulemaking activities:
www.ecy.wa.gov/programs/wq/swqs/humanhealthcrit.html

Read more about all current 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

Melissa Gildersleeve
360- 407-6461
swqs@ecy.wa.gov

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Q: What rule-making efforts are happening related to human health criteria?

A: Ecology is working on two related Water Quality Standards rules: 1) Establishing human health criteria and 2) Providing new implementation and compliance tools for dischargers.

In addition to updating Washington's human health criteria, there is an identified need to modernize the compliance and implementation tools available for businesses and others to meet pollution discharge permit limits. They need new tools to enable them to effectively address increasingly small amounts of toxic contaminants in a reasonable way. Furthermore, new human health criteria may result in discharge permit limits for industries and municipalities that will be challenging to achieve in the short term. Recognizing this, Ecology initiated a concurrent rule process to create advanced regulatory tools to permit dischargers to remain in compliance as they effectively work toward meeting new permit limits and control sources of pollutants.

To support these concurrent rule processes, Ecology established an extensive public process to engage stakeholders and key parties. We set up a series of meetings and webinars, called the *Water Quality Policy Forum*, to involve the public in the examination and discussion of the policy and technical decisions that will be a part of these rule efforts. As part of the Policy Forum, Ecology will present detailed, real-world scenarios to illustrate how new criteria could be applied and how new implementation and compliance tools could be used in permits. Ecology expects to propose draft rule language on implementation tools for water quality standards in spring 2013. We plan to propose draft rule language for human health criteria Water Quality Standards in late 2013.

Q: Some people have said that changing the water quality standards will make it difficult for industries to comply with their pollution discharge permits—and the change would only protect a small group of people who eat a lot of fish and shellfish. What is the Department of Ecology's response?

A: We have an obligation as a state to protect consumers including more sensitive populations. Therefore, Washington's standards are set to protect high fish consumers and to protect all of us who eat locally caught fish and shellfish. We are sensitive to the challenges that dischargers will have in meeting stricter criteria, which is why we are conducting a concurrent rule making to develop better implementation rules that will keep dischargers in compliance while they work towards meeting the more protective criteria.

Q: What other Ecology efforts have been made to control toxic substances?

A: Ecology's Toxics Cleanup Program has been working with interests throughout Washington—including tribal governments, businesses, industries, and the public—to update the state's Sediment Management Standards to clarify requirements for cleaning up contaminated sediment sites. Doing so will make the cleanup process more effective. The Toxics Cleanup Program's sediment management standards rule is expected to be adopted in early 2013. As part of this effort, a Fish Consumption Rates Technical Support Document was developed that evaluated available data on fish

consumption by Washington residents. The technical support document was finalized in January 2013. The document is available on Ecology's web site at www.ecy.wa.gov/programs/tcp/regs/fish/2012/FCR-doc.html.

Ecology also convened the Toxics Reduction Strategy Work Group in 2012 to explore ideas for addressing toxic pollution in ways that deliver greater environmental and human health benefits while minimizing costs. The group ended its work in January, when it produced recommendations for next steps and ideas for pilot projects with an overarching goal to help Washington to benefit economically from improved toxics management.

Q: Are Washington tribal governments involved in this effort?

A: Tribal governments have been and will be involved at various stages with the state and EPA. Some tribal governments may request additional government-to-government meetings with the state and/or EPA.

Q: How can I stay involved and learn more?

A: Visit our website **Reducing Toxics in Fish Sediments and Water** at www.ecy.wa.gov/toxics/fish.html and sign up to receive our emails.

Contacts

Melissa Gildersleeve
Water Quality Standards
melissa.gildersleeve@ecy.wa.gov
360-407-6461

Tom Laurie
Policy Advisor for Tribal and Environmental Affairs
tom.laurie@ecy.wa.gov
360-407-7017