

Preliminary Draft Rule: Water Quality Standards for Human Health Criteria, Implementation Tools

The Department of Ecology has issued a preliminary draft of the state's proposed amendments to the Water Quality Standards for toxics, including an updated fish consumption rate. The preliminary draft rule will set numeric criteria for 96 toxic chemicals. It also provides more details on implementation tools for dischargers to achieve compliance under the new standards. The tools include compliance schedules, intake credits, and variances. These tools will be available for use in new and updated water quality (NPDES) permits.

What is in the preliminary draft rule package?

The preliminary package includes draft rule language and a new toxics criteria table, a preliminary draft cost benefit analysis, a preliminary draft small business economic impact statement, and a scoping notice under the State Environmental Policy Act for a draft environmental impact analysis. The package also includes a support document called *Overview of Key Decisions* that provides details about key parts of the preliminary draft rule package.

This preliminary step gives everybody a chance to preview the draft rule. Ecology expects to issue the formal proposed rule in January 2015.

Ecology's preliminary draft rule follows Governor Inslee's July 9 directive to improve protection of public health, the environment, and the economy.

The preliminary draft rule is tied to a toxics-reduction package the Governor will propose to the 2015 Legislature. The package will address larger pollution challenges that the Clean Water Act alone can't solve.

You can read about Governor Inslee's directive to Ecology at <http://governor.wa.gov/news/releases/article.aspx?id=293>.

MORE INFORMATION

Water Quality Standards

The Water Quality Standards are established to sustain public health and public enjoyment of the waters and the propagation and protection of fish, shellfish, and wildlife.

The Human Health Criteria are a set of standards that protect people who consume fish and shellfish from Washington waters.

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

About rule revision activities

www.ecy.wa.gov/programs/wq/ruledev/wac173201A/1203ov.html

Proposed rule language changes, timelines, and public meeting announcements are posted on this website.

Contact

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Special accommodations

To request ADA accommodation including materials in a format for the visually impaired, call the Water Quality Program at 360-407-6600.

Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

Is Ecology asking for formal comments on this preliminary draft rule?

Because this is a preliminary draft rule package, Ecology is not seeking formal comment at this time. Ecology will be seeking public comment when we issue the formal draft rule in January 2015. At that time, Ecology will hold public hearings to solicit comments on the formal draft rule. We will provide a written response to all comments we receive.

To find out more about the surface water quality standards rule making and learn more about Ecology's public process, go to our website at: www.ecy.wa.gov/programs/wq/ruledev/wac173201A/1203ov.html.

What was the process and schedule for this proposed rule making?

To support the rule-making effort, in September 2012 Ecology established an extensive public process to engage stakeholders and key parties. Ecology held a series of *Water Quality Policy Forums* to engage and educate the public on the complex technical and policy issues involved in adopting human health criteria. Ecology also convened a *Delegates' Table* consisting of delegates from key stakeholder groups to discuss concerns and gain an increased understanding of the broad range of the rule making. These meetings, their agendas, and materials may be found on Ecology's website.

Why is Ecology conducting this rule making?

In 1992, EPA promulgated the National Toxics Rule (NTR) that included national criteria to protect human health and aquatic life. States that did not adopt toxics criteria were placed under the NTR by default. During that time, Washington Water Quality Standards incorporated aquatic life criteria but not human health criteria for toxics. Washington was one of 14 states/provinces that were placed under the NTR for human health criteria by EPA.

The human health criteria established under the NTR are old and outdated. Washington has new, applicable regional and tribal data to update the human health criteria.

The federal Clean Water Act requires all states to develop and adopt Water Quality Standards using the most up-to-date science and data, and to submit those standards to the EPA. If EPA disapproves any state-adopted water quality standards, EPA is required to update standards.

Questions?

Contact us by email or phone using the information provided above.