

Rule Proposal Notice

Water Quality Program

Revised January 2015

Washington Water Quality Standards

The Washington State Department of Ecology (Ecology) proposes to adopt amendments to Water Quality Standards for Surface Waters of the State of Washington - Chapter 173-201A WAC (WQS). Ecology published the rule proposal on its website on January 12, 2015. Ecology will list the draft rule in the Washington State Register on February 4, 2015.

What is the purpose of this rule proposal?

This rule making addresses two specific areas of the WQS: (1) Development and adoption of new human health criteria, and (2) Revision and expansion of some of the tools in the standards that help in implementation. These are discussed separately in the following paragraphs.

New Human Health Numeric Criteria. The human health criteria are water concentrations for toxic substances that protect people who consume fish and shellfish from local waters and who drink untreated water from local surface waters. These criteria are calculated using a variety of different factors, including chemical-specific toxicity factors for effects to humans, how chemicals move from water into fish and shellfish, as well as other factors. The new human health criteria will be used for federal Clean Water Actions, including: discharge permits, water pollution identification, and water cleanup plans.

Revised and Expanded Implementation Tools. The WQS contain a number of tools that relate directly to how the criteria are met. These tools are implemented both in permits and orders, as well as specifying how the current designated uses and criteria can be changed if certain factors can be demonstrated. Ecology is proposing revisions to two of the tools (compliance schedules and variance requirements) that are already in the WQS, and the addition of a new tool (intake credits). These tools will be available for use in new and updated water quality (National Pollutant Discharge Elimination System [NPDES]) permits.

MORE INFORMATION

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, and drink untreated surface water from Washington waters.

To get more information about this rule go to:

<http://www.ecy.wa.gov/programs/wq/ruledev/wac173201A/1203inv.html>

Contact information:

Cheryl Niemi
360-407-6440
swqs@ecy.wa.gov

Special accommodations:

To request ADA accommodation or materials in a format for the visually impaired, call Water Quality Reception at Ecology, 360-407-6600, Relay Service 711, or TTY 877-833-6341.

Rule tied to Governor Inslee's Toxics Reduction Initiative

The proposed rule is tied to a toxics reduction initiative Governor Inslee is proposing to the 2015 Legislature. Together, the rule and the toxics reduction proposal will address larger pollution challenges beyond the Clean Water Act alone.

The proposal addresses toxics that enter the environment from unregulated, everyday sources.

Although Ecology is on track to adopt the final WQS rule by the end of 2015, adoption of the final rule depends on the legislative outcome of Governor Inslee's toxics reduction proposal.

Public hearing schedule**March 3 Spokane, Washington**

Spokane Centerplace Regional Events Center

2426 N. Discovery Pl., Spokane Valley 99216

6:00 p.m. open house; 6:30 p.m. presentation with Q&A session, followed by a public hearing. This is an in-person only public event.

March 4 Yakima, Washington

Yakima Convention Center

10 N. 8th St., Yakima 98901

6:00 p.m. open house; 6:30 p.m. presentation with Q&A session, followed by public hearing. This is an in-person only public event.

March 12 Lacey, Washington

Ecology Headquarters Building

300 Desmond Drive, Lacey 98503

Two sessions – you may attend either session in person or by webinar. A webinar is an online meeting that you can attend from any computer using internet access and a phone.

Comments by webinar: Ecology will accept comments at the Olympia location and through the webinar via phone at 888-771-4384

To join the webinar: Go to the following link for more information and instructions:

Website: www.ecy.wa.gov/programs/wq/ruledev/wac173201A/1203inv.html

Session 1: 1:30 p.m. open house poster session; presentation and webinar will start at 2:00 p.m. with Q&A session, followed by a public hearing until 5:00p.m.

Session 2: 6:00 p.m. open house poster session; presentation and webinar will start at 6:30 p.m. with Q&A session, followed by a public hearing.



Ecology will provide details about these public hearings and provide links to webinars on its website and through email announcements. You may subscribe to receive our emails at <http://listserv.wa.gov/cgi-bin/wa?A0=ECOLOGY-WATER-QUALITY-INFO>

What documents are available for review and comment?

The following documents are now available for review and comment:

- Proposed rule language.
- Draft Environmental Impact Statement prepared under the State Environmental Policy Act.
- Preliminary Cost-Benefit and Least Burdensome Alternative Analyses.
- Overview of the key decisions in rule amendments for human health criteria and implementation tools.

To download these documents visit

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

Public comment period

The public comment period on the draft rule is open through **March 23, 2015**. You may provide comments at a public hearing or you may provide them in writing. Email comments to swqs@ecy.wa.gov, or mail them to Cheryl Niemi, Washington State Department of Ecology, Water Quality Program, P.O. Box 47600, Olympia, WA 98504-7600. You may fax comments to 360-407-6426.

Ecology's response to your comments

All of the comments we receive will become part of the official record. We will publish responses to comments in a document called a Concise Explanatory Statement (CES). The CES is required by the Administrative Procedure Act (RCW 34.05) and is available after the rule is adopted. You will find your name listed in the document with a reference to where, in the document, Ecology responded your comments.

Expected rule adoption date

Ecology intends to adopt on or after July 1, 2015.

