

Rule Adoption Notice

Water Quality Program

August 2016

Washington Water Quality Standards, Chapter 173-201A WAC

The Washington State Department of Ecology adopted amendments to Water Quality Standards for Surface Waters of the State of Washington - Chapter 173-201A WAC (WQS) on August 1, 2016.

What is Chapter 173-201A WAC?

The surface water quality standards rule (WAC 173-201A) defines the water quality goals of the surface waters in Washington. As required by federal regulation, the WQS include:

- Designated uses (also called beneficial uses) for all surface waters, such as aquatic life habitat, recreational uses, harvest, public and industrial water supply, and others.
- Water quality concentrations or levels (called criteria) necessary to protect the uses.
- Requirements that degradation of water quality is prevented through antidegradation provisions.

Summary of the rule changes adopted on August 1, 2016

The adopted amendments provide new human health criteria and implementation tools. All federal Clean Water Actions, including discharge permits, water pollution identification, and water cleanup plans, will use the new criteria.

The rule also provides language around tools to implement water quality standards, and requirements for implementing water quality standards that will keep dischargers in compliance with their National Pollutant Discharge Elimination System permits while they actively implement actions and control strategies to address pollutants.

Response to comments

Our response to comments received during the public comment period is available in a Concise Explanatory Statement at <http://www.ecy.wa.gov/programs/wq/ruledev/wac173201A/1203docs.html>.

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.

Effective dates:

The rule becomes effective 31 days after the final rule adoption on August 1, 2016. However, the EPA must also approve the state water quality standards to determine the rule revisions comply with the federal Clean Water Act. EPA has 60 days to approve these standards or 90 days to disapprove them. Once EPA approves these standards Ecology can implement them.

Contact information:

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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.

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Federal Clean Water Act approval

This amendment to Chapter 173-201A WAC becomes effective on September 1, 2016. In order for us to use the revised water quality standards for federal Clean Water Act activities, the U.S. Environmental Protection Agency (EPA) must first approve the revisions as complying with the federal Clean Water Act. EPA decisions regarding protection of endangered species, once made, will also be subject to formal consultation with the federal fisheries services (National Marine Fisheries Services and the U.S. Fish and Wildlife Service) to see if they agree that the rule complies with the Endangered Species Act.

While we cannot use the adopted rule for actions covered under the federal Clean Water Act until EPA approves it, we will implement the rule beginning September 1, 2016, to the fullest extent possible under existing state authority.

Once EPA receives the state's rule package, it will have 60 days to approve or 90 days to disapprove it, as required by the federal Clean Water Act.

More information

More information about this rulemaking, including supporting documents, is available online at <http://www.ecy.wa.gov/programs/wq/ruledev/wac173201A/1203ov.html>.

To get updates on Department of Ecology rulemaking activities, sign-up for the WACTrack e-mail list at www.ecy.wa.gov/maillist.html.

Appeal procedures

This rule adoption can be appealed under procedures described in the Administrative Procedure Act (RCW 34.05.330). For more information about appealing this rule adoption, please contact Bari Schreiner, Agency Rules Coordinator, at 360-407-6998 or bari.schreiner@ecy.wa.gov.