

Chehalis Basin Partnership
Water Quality Committee
October 10, 2002

Committee members present: Terry Willis, Ron Wisner, Ann Wick, Gary Waltenburg, Jim Fleming, Kahle Jennings, Patrick Wiltzius, Ron Schillinger, John Sims, Margaret Rader, Bob Beerbower

Presenters: Susan Braley and Andrew Kolosseus, Department of Ecology

Agenda Topics: water quality standards, committee description, future meeting topics. Due to the length of the conversation about water quality standards the remaining two agenda topics did not get addressed.

Susan Braley and Andrew Kolosseus from the Department of Ecology presented an overview of the current state water quality standards, changes to the process for identifying impaired waters and proposed changes to the state water quality standards. Rather than summarize the highlights of their discussion, a copy of the handout they used as talking points is attached to this summary. The following is a summary of the questions and responses (*in italics*) that were discussed:

How are the different classes for state waters (AA, A, B, etc.) applied? *Some classes are applied based on geographic location (National Forest lands and streams that flow into lakes are generally classed as "AA" waters) with the default for all waters not specifically classified otherwise is class "A." Most waters fall under the class "A" designation. Special classifications (such as the one for summer dissolved oxygen in the Centralia Reach of the Chehalis River) are based on extraordinary conditions or special situations.*

The Department of Ecology, Department of Fish and Wildlife and Department of Health each use a different location on the Chehalis River for designating where "marine" waters begin. Shouldn't it be possible to agree on one location so that data could be shared? *No response was recorded, but this could be looked into by the Water Quality Committee.*

The federal water quality standards contain a class "C," are there any class "C" waters in Washington State? *There are class "C" marine waters, but there are no class "C" fresh waters.*

The current criteria for dissolved oxygen and temperature are curious because they seem to be exactly the opposite of what you would want to have to provide greater protection for fish – to protect fish you would want more dissolved oxygen as water temperatures increase. The current standards have dissolved oxygen levels increasing as temperatures get colder. *Examples like this are one reason why the state is looking at changing the standards to focus more on assigning water quality criterion base on the actual use of the water rather than relying on a class based system.*

How are the classification (AA, A, B, etc.) and the specific criterion (level of dissolved oxygen, temperature, etc.) set? *Sometimes they are set because of the results of specific studies, but more often they are set because a waterbody is classed as a class "A" water by default.*

When the state revises its water quality standards does that mean that existing TMDL studies and implementation strategies will have to be done? *Ecology is not planning to redo TMDLs regardless of whether the new standards become more or less stringent.*

How can Ecology justify not redoing TMDLs if the new standards mean that existing TMDLs might not achieve the level of protection required under federal law? *The current thinking is that since existing TMDLs that have been approved by EPA they are sanctioned by EPA and will not have to be redone.*

What assurances can you provide that dischargers who are spending large amounts of money to come into compliance with existing TMDLs developed to protect existing water quality standards won't be required to spend a lot more money to meet the new standards? A one degree change in the standards can be explained away as "not really such a big deal" by Ecology, but it could be a very expensive problem for dischargers – especially those who are in the middle of constructing new wastewater treatment facilities to meet the current standards. We can't be expected to spend tens of millions of dollars each time the water quality standards are revised and become more stringent. That will economically strangle our communities. *You raise a good issue. Right now we can't offer you any assurances, but we can look at putting some assurances in the regulation establishing the new water quality standards. Temperature has proven to be a very difficult issue for federal and state regulatory agencies to reach agreement on. A third try on reaching agreement will occur on November 7th during a workshop being held at the Department of Ecology. You are all welcome to attend. The answer to your question may well be developing site specific temperature criteria that are based on actual observed uses of a particular section of a body of water and documented "natural" conditions.*

Ecology has provisions for adopting water quality criterion that apply at specific locations, have you thought about integrating a "temporal" concept that would recognize for instance that spawning temperatures are not necessary all year long but only during the spawning season? *That is an interesting concept that bears further consideration.*

Is Ecology looking for a statewide standard that does not take into account the different conditions between eastern Washington and western Washington? *A couple of things are in the existing standards or under consideration that address these differences. First, the provisions in the existing standards that allow "natural conditions" to become the standard where natural conditions cause a violation provide some flexibility. Second, we are expecting to propose a series of criteria that are intended to address the needs of warm water fish. Finally, studies have found that the same species of fish have the same environmental requirements where ever they are found.*

Are in-stream flows going to be part of the proposed new water quality standards? *No, but we recognize that they are linked.*

Ecology has been criticized in some previous studies for how temperatures were measured (Humptulips TMDL). What are the currently acceptable methods for measuring temperature? *Continuous temperature monitoring devices that are placed in the stream and remain there for a period of time is the preferred method of measuring temperature because we get a wider range of data.*

If, as the material you are presenting here today suggests, Ecology is proposing to change from using fecal coliform bacteria to other bacteria as the standard for protecting human health how does Ecology propose that improvements under existing TMDLs for fecal coliform bacteria be measured? Is there a correlation between fecal coliform bacteria and the E. coli/enterococci being proposed that can be used? Are we going to have to start monitoring for all three – fecal coliform, E. coli and enterococci? What about permit compliance for point sources – are they going to have to recertify their laboratories and retain their staff to perform the new tests? Even if the cost of the old tests and new tests is the same, there are other cost considerations (recertification and retraining). What happens to our years of fecal coliform data, and will Department of Health adopt E. coli and enterococci as the standard for shellfish protection. Consider the federal reliance on fecal coliform bacteria as the criterion for drinking water safety. Also, local health departments process a lot of fecal coliform tests for a variety of reasons. *EPA is really being insistent that Washington State adopt E. coli and enterococci as the bacteria standard for human health. Ecology did a study a few years ago and did find a close correlation between fecal coliform bacteria and the others, so there may be some possibilities there. Other states have decided not to adopt EPA's recommendations so that may be an option. The Department of health is required under the food safety act to use fecal coliform bacteria as the measure of shellfish safety so the bacteria standard to protect shellfish will remain the same – fecal coliform bacteria. These are issues we really need the public to review and comment on.*

Have any studies been done in Washington State showing that reliance on fecal coliform bacteria is creating a health risk? *No, all the studies have been done on the east coast.*

So under the revisions to the standards being considered, water quality criterion (for example: temperature, dissolved oxygen) are developed for each use and uses are determined based on the conditions in the water body – couldn't this be seen as an end-run around the anti-degradation requirements? All someone would have to do is argue that a specific use did not exist and then the standard could be relaxed for that water body. *It is not that simple. First of all, this time we will be proposing to add uses not eliminate them. Also, the test for removing uses will be very stringent and will require showing both that the use does not currently exist and that the use is not attainable.*

Does the state have the resources to make use-based determinations for all the waters of the state? *That could be a problem.*

How have DNR and the forest practices industry reacted to the changes in temperature being considered? *So far they have not expressed a strong concern.*

Will using long-term averages protect fish from one day violations that are lethal? *We believe it does.*

Why the special attention to where irrigation and water supply reservoir water is diverted from a waterbody in the changes under consideration? These new criteria seem so out of place. *They are included to protect the irrigation and water supply reservoir infrastructure from the corrosive or other effects of water.*

During the discussion of state water quality standards and policies about identifying impaired waters the Water Quality Committee began a discussion about the Briggs Nursery Grays Harbor operation near Porter. There is a significant local interest in this project and many concerns that have led to numerous phone calls to the state Department of Agriculture, Grays Harbor County Commissioners and others. It was decided that the issue was worthy of establishing a special work group and setting up a special meeting to share information about the nursery operation and the regulations they are responsible for meeting. The state Department of Agriculture, Grays Harbor County, Department of Ecology, Briggs Nursery and citizens will be invited to attend the meeting, and it should be held at a location convenient to the citizens living in the area around the nursery operation.

Next Water Quality Committee Meeting: 9:00 until 12:00 on November 14th at the Grays Harbor County Forestry Building, in Montesano. Topics of discussion will include language regarding the Water Quality Committee in the proposed operating procedures and the status of the effort to set up a special meeting on the Briggs Nursery Grays Harbor operation.

Important Dates:

November 7, 2002: public meeting on EPA's regional temperature guidance. This meeting will be held at the Department of Ecology building in Lacey, Washington from 1:00 p.m. until 4:30 p.m. For further information on the proposed regional temperature guidance see this link:
<http://yosemite.epa.gov/R10/WATER.NSF/6cb1a1df2c49e4968825688200712cb7/1442c7b1fede026b88256c4e0074dc2f?OpenDocument>

Approximately November 30, 2002: Ecology expects to release the proposed revisions to the state water quality standards for public review and comment.