

Present: Wisner, Willis, Wiltzius, Napier, Engvall, Wick, Fleming, Holbrook, Jennings, Fricke, Kolosseus, and Jarzynka were present.

### **Welcome and Introduction and Housekeeping**

Willis opened the meeting at 9:00am. The group introduced themselves. Willis explained that the focus of the meeting would center on developing comments, for consideration by the CBP, regarding the proposed changes to the water quality standards.

### **Draft Water Quality Standard Rule Discussion**

A question was asked about the general water quality standards and monitoring administered by Ecology. *Ecology uses the standards to regulate and establish conditions for nonpoint sources. Ecology does have standards that they follow when issuing permits and allocating grant funds for water quality programs.*♦

How is Ecology going to insure that the standards are consistently applied? *Ecology recently implemented a database that incorporates available data. The data is generally submitted from outside (regulated/DMR) sources. The group felt there was a considerable amount of outside data that would help Ecology staff make better-informed decisions.*

Are there proprietary concerns with the data? *If the information is required under a permit, then the information is public, but not necessary generally distributed with reports.*

How do you balance all the various interest groups? Some larger environmental groups think the standards are not strict enough while other groups feel the standards are too strict. How can the Partnership develop substantial comments that meet the needs and issues of the general membership? *If this group brings out a question regarding a standard that is unclear, that is appropriate to put in the comment letter. This approach should adequately cover the interest of most members.*

There is concern about proposed stream classification changes, rolling temperature standards for different reaches at different times of the year, and changing from fecal to *E.coli* forces labs to change equipment and staff certification training. What is the reason and what is accomplished? What is

---

♦ The summarized responses to questions are shown in italics.

the philosophy that accompanies the change from fecal to *E.coli*. *E.coli* is a better indicator for potential illness, based on EPA studies outside of WA. The standard for marine waters is still fecal coliform. Ask for clarification regarding the freshwater standard and how monitoring *E.coli* still protects the marine water and shellfish may measure fecal coliform or *E.coli*.

What comments has DOH provided regarding the impacts to shellfish? EPA took the position that the new standards would better serve public health. DOH has not officially taken a stand. EPA will require states in 2004 to adopt *E.coli* or *Enterococci* as a standard for fresh water.

Is there a cost benefit analysis for the rule? This will be available after the March 7 deadline. If there are comments about the standards that relate to the cost benefit analysis then submitted those comments during that comment period.

Is there going to be an outreach program to assist with compliance? Or will it be an unfunded mandate? If Ecology is going to make changes then a program needs to be developed to assist with transition to the new standards.

Are there local timber interest groups that would like to see some fecal coliform standard changes? There is a bacteria, *Klebsiella*, that does test positive for fecal coliform. They would like to see this resolved so that *Klebsiella* is separated from the fecal bacteria. The dilemma with this situation is that the shellfish are tested for fecal bacteria and may not be tested in an area that differentiates the *Klebsiella* bacteria. Weyerhaeuser through their permitting process, proposes to raise their discharge limits. This group should request to hear this information directly. An informative presentation was made to the oyster growers.

Does the group's discussion reflect common concerns from other groups? Yes, this discussion does resemble concerns expressed from others in Western Washington. So how do we arrive at a common solution(s)?

Can the group make the recommendation to push a change to the shellfish fecal standard? This would seem to better fit, and provide more consistency, with the standards that EPA will impose in 2004 and might resolve the bacteria measurement. The federal standards need to be consistent between EPA and the FDA. A hardship is created by requiring the shellfish to comply with two standards fecal and *E.coli*. The regulators must monitor both standards and the growers must comply with both standards. If EPA and FDA could accept a common standard this issue may be a win situation for all parties.

What are the standards trying to accomplish? *Before the standards are altered, this need to be clarified with respect to intent, is water quality improved, and at what cost.*

The group agreed to move forward with some common issues noted during the above discussion. The following summarizes general comments for inclusion in the draft letter to Ecology.

- The temperature and dissolved oxygen standards seem to be geared towards fish and more specifically salmon. Where is the discussion about other fish and humans? Does this standard assume that if conditions are good for salmon, then the streams are acceptable for all species? The standard, as written, seems one sided and who determined this was the appropriate species for measurement. *Class A and AA waterbodies are protected for all users. The use-based approach opens up the challenge for other groups to classify the system. The burden is then put upon the users.*
- The group could suggest that watershed planning units evaluate the streams and then recommend or affirm the classification. If a stream was previously unclassified then why is the stream then assigned a high "blanket" classifications?
- The Tier III eligibility [WAC 173-201A-330(1)] and designation process seems unclear. Upon initial reading, the interpretation was that only some of the criteria must be met. Ecology staff indicated that all four criteria must be met. The WAC states one or more must be met. This language should be changes to all criteria must be met. The only criteria with any scientific basis is item d. This process could use some input from entities (both technical and nontechnical) that might be subject to this process.
- Tier II does not apply to nonpoint sources like agriculture, but that is not stated in the WAC. Section 3 does not clearly state who is subject to a Tier II Analysis. Section 2 does begin to describe who is subject to regulation under measurable changes.
- Antidegradation needs to more clearly discuss nonpoint sources (not just agriculture) and include more evaluation about regulatory requirements or basis for exemption. This would apply to the cumulative effect of exempt activities. Possible solutions might be an inclusion through the SEPA review process under the Water Quality section or support agency coordination to share information. Where in this process does Ecology manage compliance from sources other than point sources? If this issue is not addressed, consistent compliance with water quality standards cannot be accomplished. This issue needs further investigation to examines the accumulative effects of the small changes from nonpoint discharges.

- Varying standards for temperature requires treatment plants to meet a standard that would occur only once a year. This issue appears to only effect Centralia. They will address this issue in more detail in their comment letter. The Committee supports the fact that some members are under orders to improve infrastructure that has moving criteria as a target.
- Due to the change from class to use base, the standards should be relaxed to accommodate current conditions. The standard could be relaxed in documented areas where spawning does not occur.

### **Water Quality Funding Program and the local review process**

Jennings suggested that due to the amount of time spent on the last agenda item, this item should be discussed in more detail during the March meeting. Last year this process included two groups (Upper and Lower). Due to the number of applications, the Upper group's work was minimal with only one application to review. This group should consider which approach would work best and then make that recommendation to the Partnership. The approaches could include: the Committee reviewing the applications, establishing a subcommittee, or requesting that project sponsors help with the review

### **Briggs Nursery Update**

Jennings requested a copy of the SEPA file and will investigate water quality issues.

Department Agriculture reviewed their records and determined that pesticide usage complies with the regulations. If there is a specific issue, the Department of Agriculture can further investigate the problem.

Both groups will develop a response explaining their review.

The meeting adjourned at 12:10. The next meeting is March 13, 2003 at the Forestry Building.