



2021 Triennial Review of Surface Water Quality Standards

Draft Work Plan to Update the Water Quality Standards for 2022-2024

Water Quality Program

Washington State Department of Ecology

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Cover photo credit

- Standard Ecology image, 2019

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¹ www.ecology.wa.gov/contact

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Triennial Review Draft Work plan

Introduction & Background

[Federal regulations](#)² require that we periodically hold public hearings to review surface water quality standards. This process is called a Triennial Review. This review gives us an opportunity to discuss priorities and commitments to update surface water quality standards between 2022 and 2024, and ensures the standards meet the requirements of the Clean Water Act and the needs of the state.

A Triennial Review is a public involvement opportunity that helps inform our work plan for the next three years, not a rulemaking process. Each rulemaking project identified in the work plan will have its own process for the public to formally comment on proposed rule changes.

The last triennial review of our surface water quality standards was held from Nov. 1, 2010 through Dec. 17, 2010. As part of the 2010 triennial review, we developed a [Five-Year Plan](#)³ of prioritized topics. We have not conducted a triennial review since 2010 because we were in continual rulemaking efforts for the water quality standards (see timeline of Ecology's rulemakings since the last triennial review in Appendix A).

This current Triennial Review process will bring us up to date with Clean Water Act requirements to periodically conduct triennial reviews.

How to comment

We are accepting comments on this draft work plan from July 20 – September 16. Information on how to comment, attend a public hearing, and review Triennial Review materials is on our [water quality standards webpage](#)⁴.

Next steps

Following the public comment period, we will review comments received and develop a responsiveness summary and final work plan reflecting projects we intend to initiate from 2022-2024. The Environmental Protection Agency (EPA) requires that we include an evaluation of Clean Water Act Section 304(a) recommended criteria and determine if we need to update our standards to align with these federally recommended criteria. We will submit the final work plan, responsiveness summary, and evaluation of 304(a) criteria to EPA.

Draft project list

The following list describes the projects Ecology is initiating or considering between 2022-2024. Each rulemaking typically takes 1.5 to 2 years to complete, and project timing depends on a variety of factors, including staff workload and agency priorities. This list reflects our best

² <https://www.epa.gov/wqs-tech/federal-water-quality-standards-requirements>

³ <https://ecology.wa.gov/DOE/files/37/3761607d-3390-418a-8684-118c959fc676.pdf>

⁴ <https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-quality-standards/Updates-to-the-standards>

estimate of what we plan to take on in the next three years, as well as examples of rule-related activities that we may be required to take on in the next three years due to requests that are allowed in the water quality standards or to comply with court decisions.

Adopt updates to freshwater criteria for dissolved oxygen and fine sediment

Project details

We began this rulemaking in 2019 and it is currently underway. We expect to make a decision on rule adoption in early 2022. For more information on this project, [view our rulemaking webpage](#)⁵.

Reason for priority: Updating freshwater dissolved oxygen criteria and fine sediment criteria were included in the [Five-Year Work Plan](#)⁶ developed as part of the last triennial review in 2010. We initiated this rulemaking in response to federal, tribal, and public feedback for Ecology to better protect salmonid spawning habitat in our state freshwater criteria.

Update aquatic life criteria for toxics

Project details

This rulemaking would review aquatic life-based criteria for toxics, including any final metals criteria developed by EPA.

We are considering several approaches to conduct rulemakings to update the aquatic life criteria for toxics, given that there are multiple recommended criteria and, in some cases, state-specific information to consider in a complete update to these standards. These approaches vary between one rulemaking to encompass all necessary updates to aquatic life toxic criteria, to reviewing each toxic chemical criteria through individual rulemakings. There are advantages and disadvantages to each approach, which will inform our decision. Among the options we are considering are the following and we are asking for comment on which approach is best for Washington.

- Option 1: Stagger three rulemaking by group (metals, organics, non-priority)
- Option 2: Stagger two rulemaking by group (all metals, all organics)
- Option 3: Rulemakings for different groups of chemicals based on highest priority
- Option 4: Review and update all necessary criteria in one rulemaking

Reason for priority: Updating aquatic life criteria for toxics were included in the [Five-Year Work Plan](#) developed as part of the last triennial review in 2010. Ecology is required to review federally recommended criteria and evaluate whether it is appropriate to update the water quality standards accordingly. Since 2011, we have reviewed federally recommended Human

⁵ <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-201A-Salmon-spawning-habitat>

⁶ <https://ecology.wa.gov/DOE/files/37/3761607d-3390-418a-8684-118c959fc676.pdf>

Health Criteria and Recreational Use Criteria, and adopted updates based on those recommendations to Washington surface water quality standards. Updating Aquatic Life Criteria is our next priority.

Respond to requests for rule-related actions

Project details

We may initiate rulemakings in response to public requests to update the water quality standards as provided by these rules.

Examples of these kinds of projects include:

- Proposing designations for outstanding resource waters that meet eligibility requirements under WAC 173-201A-330. We recently received nominations for the following waterbodies (information on each nomination and eligibility status is available on our [Antidegradation webpage](#)⁷):
 - Soap Lake (Grant County)
 - Cascade River (Skagit County)
 - Green River (Skamania and Lewis counties)
 - Napeequa River (Chelan County)
- Reviewing the appropriateness of a designated use assigned to a waterbody, called a Use Attainability Analyses (UAA). A UAA allows us to consider the physical, chemical, biological, and economic factors that affect meeting a designated waterbody use. A UAA can be considered for specific waterbodies where the assigned water quality standards use designation is not existing nor attainable for a specific waterbody.
 - An example of a UAA rulemaking currently underway is the Chelan River UAA. See the [rulemaking webpage](#)⁸ for more information.
- Considering requests for a temporary change to the water quality standards, called a variance. A variance is a time-limited water quality standard that maintains the ultimate goal of reaching the original standard in a step-by-step process. Federal and state water quality regulations allow the use of variances under specific circumstances.
 - Ecology recently considered requests for facility discharge variances for PCBs on the Spokane River. Because of uncertainty regarding the EPA approval of the PCB criteria, the rulemaking has been placed on indefinite hold until the related court case is resolved. See the [rulemaking webpage](#)⁹ for more information.

Reason for priority: Washington’s water quality standards include provisions that allow an entity to request an action where specified in the standards. Upon request, the agency will consider the request, and in some cases, a response to the request is required within a

⁷ <https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-quality-standards/Antidegradation#Nominations>

⁸ <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-201A-Chelan-UAA>

⁹ <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-201A-variances>

specified time. For example, Ecology must respond to a request for an outstanding resource water designation, or a Use Attainability Analysis, within 60 days of receipt.

Rule revisions necessary to comply with legal requirements

Project details

We may need to initiate rule revisions necessary to comply with actions EPA may take in response to their legal requirements.

For example, during a rulemaking in 2019, we amended sections of the water quality standards rule to meet legal obligations in a 2018 Stipulated Order of Dismissal. See the [rulemaking webpage](#)¹⁰ for more information.

Any regulatory action that EPA takes regarding Washington’s water quality standards will be reviewed by Ecology to determine if a revision to the surface water quality standards is necessary.

Reason for priority: We may need to meet a deadline or timeframe for conducting a water quality standards rule-related action in a court order, a settlement agreement, or other legal requirements.

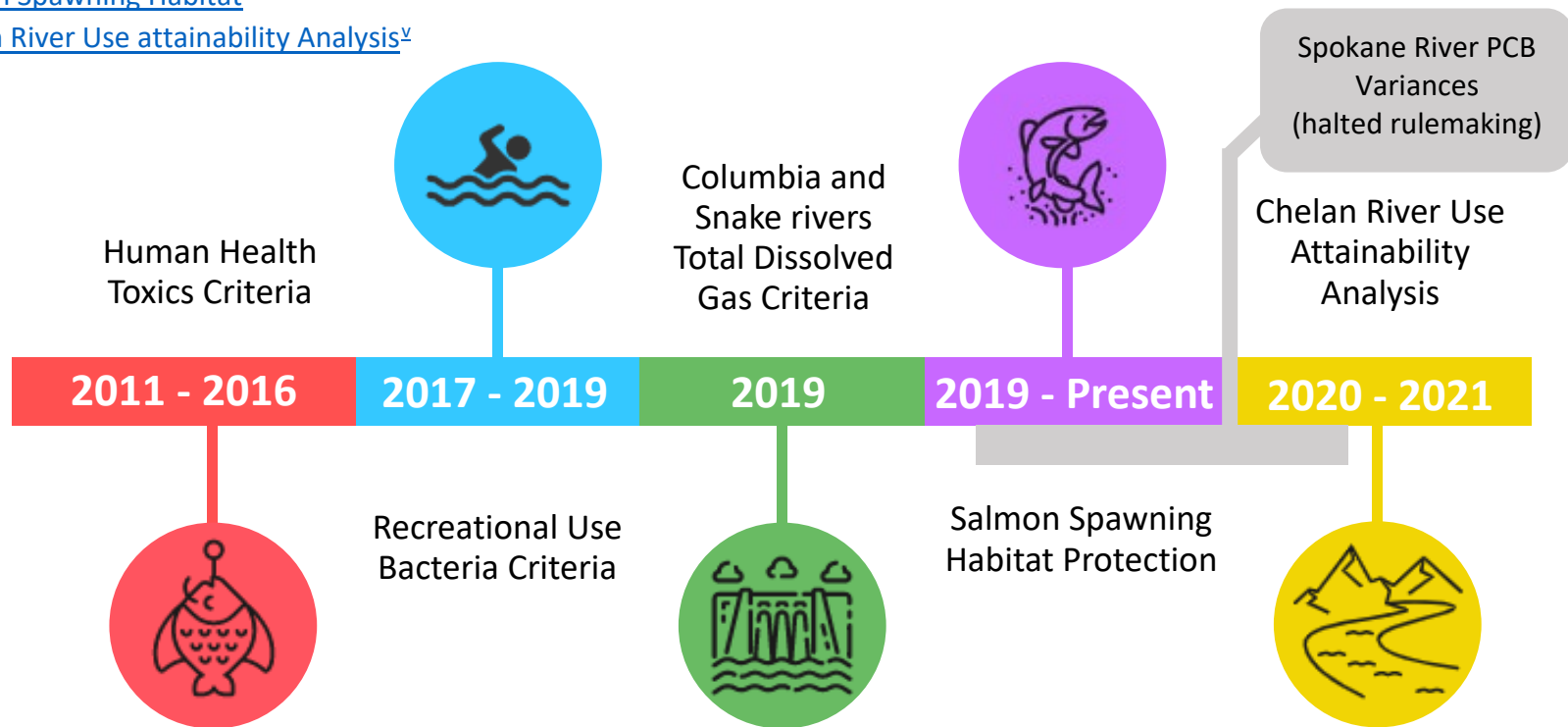
¹⁰ <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Closed-rulemaking/WAC173-201A-revisions#where>

Appendix A: Updating Washington Surface Water Quality Standards 2011 - 2021



Since 2011, Ecology has worked on five rulemakings to update the surface water quality standards. For information on each rulemaking listed on the timeline, follow the links below to each rulemaking webpage:

- [Human Health Criteriaⁱ](#)
- [Recreational Use Criteriaⁱⁱ](#)
- [Total Dissolved Gasⁱⁱⁱ](#)
- [Salmon Spawning Habitat^{iv}](#)
- [Chelan River Use attainability Analysis^v](#)



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ⁱ <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Closed-rulemaking/WAC-173-201A-Overview>

ⁱⁱ <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Closed-rulemaking/WAC-173-201A-Aug17>

ⁱⁱⁱ <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Closed-rulemaking/WAC173-201A-revisions>

^{iv} <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-201A-Salmon-spawning-habitat>

^v <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-201A-Chelan-UAA>

^{vi} <https://ecology.wa.gov/accessibility>