RULE-MAKING ORDER
PERMANENT RULE ONLY

CR-103P (December 2017)
(Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 27, 2024
TIME: 8:09 AM

WSR 24-24-056

Agency: Department of Ecology AO #24-11

Effective date of rule:

Permanent Rules

☒ 31 days after filing.

☐ Other (specify) _____ **(If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)**

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose:

Ecology adopted updates to the human health criteria and associated footnotes in Table 240 of WAC 173-201A-240, Toxic substances, to remove state-adopted human health criteria that the Environmental Protection Agency (EPA) disapproved and adopt as state law federal human health criteria that EPA promulgated for Washington. Human health criteria are pollution limits on toxic substances that are set to protect people who consume fish and shellfish and drink untreated water from Washington's surface waters.

We removed 143 criteria for 73 pollutants that the EPA disapproved for use in Washington's Clean Water Act programs, and adopted 146 human health criteria for 75 pollutants that are currently listed in 40 Code of Federal Regulations (CFR) § 131.45, Revision of certain Federal water quality criteria applicable to Washington. We also adopted all relevant footnotes associated with the federal criteria for Washington.

All of the federal human health criteria that Ecology is adopting as state law are already required for Clean Water Act programs in Washington. As a result, **there are no changes to water quality criteria already in effect**.

The state's water quality standards, Chapter 173-201A WAC, set limits on pollution in our lakes, rivers, and marine water in order to protect beneficial uses, such as swimming and fishing. The water quality standards are implemented through discharge permits and other regulatory mechanisms under the federal Clean Water Act. They are also used to identify polluted waters and set levels for water cleanup.

Citation of rules affected by this order:

New:
Repealed:
Amended: Chapter 173-201A WAC
Suspended:

Statutory authority for adoption: Water Pollution Control, Chapter 90.48 RCW, provides clear and direct authority to Ecology to revise the Surface Water Quality Standards (RCW 90.48.035),

Other authority: Ecology has completed an Environmental Justice Assessment in accordance with RCW 70A.02.060 as a part of this rulemaking.

40 CFR § 131.20, State Review and revision of water quality standards, requires states to periodically review and update the Water Quality Standards.

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 24-19-075 on 9/17/24 (date).

Describe any changes other than editing from proposed to adopted version:

We incorrectly transcribed the federal criteria for Washington in our draft rule for the following pollutants. We have corrected the criteria so they correctly reflect the federal criteria for Washington under 40 CFR § 131.45, Revision of certain Federal water quality criteria applicable to Washington.

The criteria corrected are reflected below with underline and strikeout:

1,3-Dichloropropene

- Water & Organisms: ~~0.24~~ 0.22 µg/L
- Organisms Only: ~~2.0~~ 1.2 µg/L

Butylbenzyl Phthalate

- Water & Organisms: ~~0.000022~~ 0.013 µg/L
- Organisms Only: ~~0.000022~~ 0.013 µg/L

Chlorodibromomethane

- Water & Organisms: ~~0.060~~ 0.60 µg/L

Hexachloroethane

- Water & Organisms: ~~0.20~~ 0.02 µg/L
- Organisms Only: ~~0.20~~ 0.02 µg/L

We have removed the following footnotes:

- We removed footnote D since this footnote references mercury criteria which is now reflected as methylmercury, and so is no longer relevant
- We have removed footnote F for Vinyl Chloride because this footnote incorrectly listed the cancer slope factor to derive the “Water & Organism” criterion, and is not needed.

Other changes:

We have corrected the CAS number for Bis(2-Chloro-1-Methylethyl) Ether in the adopted rule language.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:
Address:
Phone:
Fax: N/A
TTY: .
Email:
Web site:
Other:

Note: If any category is left blank, it will be calculated as zero. No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note. A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	____	Amended	____	Repealed	____
Federal rules or standards:	New	____	Amended	____	Repealed	____
Recently enacted state statutes:	New	____	Amended	____	Repealed	____

The number of sections adopted at the request of a nongovernmental entity:

	New	____	Amended	1	Repealed	____

The number of sections adopted on the agency's own initiative:

New ____ Amended 1 Repealed ____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

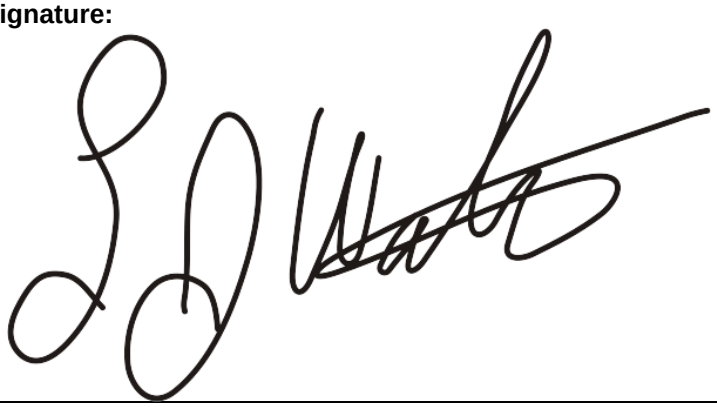
New ____ Amended 1 Repealed ____

The number of sections adopted using:

Negotiated rule making:	New	____	Amended	____	Repealed	____
Pilot rule making:	New	____	Amended	____	Repealed	____
Other alternative rule making:	New	____	Amended	____	Repealed	____

Date Adopted: 11/27/2024

Name: Laura Watson

Title: Director

Signature: