



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (August 2017)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

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TIME: 7:15 AM

WSR 17-17-077

Agency: Department of Ecology AO # 16-07

Subject of possible rule making:

The Department of Ecology (Ecology) plans to amend Chapter 173-201A WAC, Water Quality Standards for Surface Waters of the State of Washington. This rulemaking will set forth revised fresh and marine water quality standards for the protection of water contact recreational use in state waters.

This rulemaking will:

- Include new indicators and numeric criteria to protect water contact recreational uses in sections 200(2) and 210(3).
- Review current water contact recreational use categories and modify sections 600 and 610 if necessary.
- Improve the location information in use designation tables listed in this chapter – Table 602, Use designations for fresh waters and Table 612, Use designations for marine waters.

The rulemaking will amend the following sections of Chapter 173-201A WAC:

- 173-201A-020: Definitions.
- 173-201A-200 (2): Recreational Uses.
- 173-201A-210 (3): Recreational Uses.
- 173-201A-600: Use Designations – Fresh waters.
- 173-201A-602: Table 602 — Use designations for fresh waters by water resource inventory area (WRIA).
- 173-201A-610: Use designations – Marine waters.
- 173-201A-612: Table 612 – Use designations for marine waters.

Other sections of Chapter 173-201A WAC may be amended, as necessary, to support new water contact recreational use criteria and improved use designation location information.

Statutes authorizing the agency to adopt rules on this subject:

RCW 90.48.035 provides clear and direct authority to Ecology to revise the water quality standards. Additionally, 40 CFR 131.20 requires states and tribes (with primacy for clean water actions) to periodically review and update the Water Quality Standards.

Reasons why rules on this subject may be needed and what they might accomplish:

In 2012, the Environmental Protection Agency (EPA) completed revisions to the national recommended recreational water quality criteria. The recommendations include the latest science, which quantifies the link between illness and fecal contamination in recreational waters. The recommended criteria are based on two bacterial indicators of fecal contamination, *E. coli* and enterococci.

Washington's current bacterial indicator for contact recreation, fecal coliform, was removed from EPA's recommendations in 1986. This method of determining compliance with water quality standards is outdated. EPA has instructed states that still rely on fecal coliform as an indicator to revise their recreational use criteria and align them with the current national recommendations.

Ecology intends to improve the water quality standards by:

- Including new science to protect recreational uses of state waters.
- Establishing indicators that are better correlated with illness and can more accurately determine the presence of human-caused fecal pollution.
- Aligning Washington's recreational use categories with EPA recommendations.
- Providing improved location information to allow the public to better understand which water quality criteria apply in their local waters.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

We will work with tribes to discuss, and seek input on, rulemaking activities. Other coordinating federal and state agencies include the Washington State Department of Health and the United States Environmental Protection Agency.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (Chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

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Other: http://listserv.wa.gov/cgi-bin/wa?A0=ECOLOGY-WATER-QUALITY-INFO	Other:

Additional comments:

Date: August 15, 2017	Signature: 
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