



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: Washington State Department of Ecology AO # 12-03

Subject of possible rule making: This rule making is for the adoption of new human health criteria to Chapter 173-201A WAC, the Water Quality Standards for Surface Waters of the State of Washington. Adoption of new human health criteria into Washington's water quality standards will take into account factors used to calculate each chemical criterion, including risk, duration of exposure, and more accurate data about how much fish and shellfish people eat in Washington. This rule making will amend WAC 173-201A-240 and may include changes to other sections of Chapter 173-201A WAC as necessary to support the new human health criteria.

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: Ecology intends to adopt new human health criteria to protect public health, safety, and welfare. Until new human health criteria are adopted by Ecology, Washington will continue using outdated federal standards that do not reflect current science on protection from toxic chemicals. With adoption of this new rule, our state will have water quality standards for toxics that more accurately reflect the amount of fish and shellfish people eat in Washington.

Adopting new human health criteria, including the need for a more accurate fish consumption rate number to be factored into the equation for determining chemical criterion, was identified as a high priority when Ecology conducted a triennial review of the water quality standards. The triennial review is required by the Clean Water Act to ensure that states update standards as needed to reflect new and emerging science and information.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Developing and administering surface water quality standards to protect water quality and meet objectives of the federal Clean Water Act is a unique responsibility assigned to the Department of Ecology in Chapter 90.48 RCW.

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

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) This is an amendment to Chapter 173-201A WAC, Water Quality Standards for Surface Waters of the State of Washington. The process includes public hearings held around the State of Washington. Ecology plans to involve interest groups and notify the public throughout the process through open forums and use of media. Ecology will use these public activities to seek input from interest groups and provide a structured dialogue for those groups to understand issues, offer advice, and provide perspective to the agency. Additionally, the agency's goal is to educate the public on surface water quality standards and why the rule needs to be amended.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

Interested parties can access more information on this rule making by contacting the Department of Ecology staff member listed below or by accessing the Water Quality Program Surface Water Quality Standards Activities website:

www.ecy.wa.gov/programs/wq/swqs/RuleRev2011.html

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Ecology will share information on the agency web site and through a list serv.

Join our ListServ at: <http://listserv.wa.gov/cgi-bin/wa?A0=ECOLOGY-WATER-QUALITY-INFO>

DATE
9/11/2012

NAME (TYPE OR PRINT)
Kelly Susewind *Donald A. Seeburger for Kelly Susewind*

SIGNATURE
Donald A. Seeburger

TITLE
Water Quality Program Manager

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