

**SUMMARIZATION NOTES**  
**Category 4B (Other Pollution Control Program)**  
**for PCB impaired waters**

**March 30, 2017**

**TO:** Interested Stakeholders in a Category 4B for PCB Impaired Waters

**FROM:** Melissa Gildersleeve, Ecology

**DATE:** April 12, 2017

**SUBJECT:** Follow up from March 30th Meeting discussing implementation of Human Health Criteria in the Water Quality Assessment Policy 1-11

I pulled this information together after contemplating more about the group discussion on March 30<sup>th</sup>. After thinking through the in-depth conversation, I reviewed at the Category 4B - Other Pollution Control Program requirements in Policy 1-11 and EPA requirements for 4B Programs. From my perspective, I think we already have a path forward that meets the discussions from what I was hearing during the meeting, which is what stakeholders want:

- An alternative solution from having a waterbody waiting Category 5 until Ecology has time to complete a TMDL
- Work with key partners in communities to build a series of action items appropriate to address water quality standards for PCBs
- Forge a path forward separate from developing a TMDL
- Use the work and information identified in the PCB Chemical Action Plan

The implementation of a pollution control program which is designed to achieve Water Quality Standards is currently an existing option in the listing policy. Below I have added some specificity around each of these requirements (specific to PCBs since that was the focus of the conversation). The way I envision this working, is that a local entity (such as a municipality or local governing unit) would develop and implement a program which would address all of the items below. Once they began implementing this program, they would collaborate with Ecology to develop a demonstration on how their program meets the 4B requirements. This demonstration would then be written by Ecology and submitted to EPA at the time we submitted the Water Quality Assessment for approval. This demonstration is reevaluated every time Ecology submitted a Water Quality Assessment to EPA.

## **1. Identification of Segment and Statement of Problem Causing Impairment**

### ***Segment Description***

The demonstration should identify the impaired segment(s), including name, general location in the State, and State-specific location identifier.

### ***Sources of pollutant causing impairment***

Provide information on the known and likely point, nonpoint, and background (upstream inputs) sources of PCBs causing the impairment, including the magnitude and locations of the sources.

## **2. Description of Pollution Controls and How They Will Achieve Water Quality Standards**

### ***Water quality target***

The water quality target is the protection of beneficial uses for human health criteria. In order to show the program has attained this part of the water quality standards, the appropriate pathway (defined in the Listing Policy) for getting into Category 1 will serve as the strategy to show achievement of the water quality standards and protection of the beneficial use.

### ***Point and nonpoint source loadings that when implemented will achieve WQS***

Describe the cause-and-effect relationship between the PCB water quality standard and the identified pollutant sources and, based on this linkage, identify what loading reductions are needed to achieve the water quality standard and protect the beneficial use.

The demonstration should also contain or reference documentation supporting the analysis, including the basis for any assumptions; a discussion of strengths and weaknesses in the analytical process; and results from any water quality modeling or data analysis.

### ***Controls that will achieve WQS***

Describe all controls (already in place and scheduled for implementation), which will result in reductions of pollutant loadings to a level that achieves the water quality standards. When combined all loading from point sources and nonpoint sources need to meet water quality standards.

In developing this part of the Program we recommend that the Department of Ecology Chemical Action Plan for PCBs be consulted and used as a possible roadmap for specific implementation items. There are many other good resources that should also be used as references such as the Spokane River Regional Toxics Task Force work, PCB control programs for San Francisco Bay, and PCB programs for the Delaware River Basin Commission.

### ***Description of requirements under which pollution controls will be implemented***

Provide information explaining how each pollution control activity that will be implemented is a requirement. Explain how those requirements are enforced and explain how these controls will address PCBs.

The following is the type of information needed to determine if these controls are “requirements”:

- (1) Authority (local, state, federal) under which the controls are required and will be implemented (examples may include: self-executing state or local regulations, permits, contracts, and grant/funding agreements that require implementation of necessary controls);
- (2) Existing commitments made by the sources to implement controls;
- (3) Availability of dedicated funding for the implementation of the controls;

### **3. Estimate or Projection of Time When WQS Will Be Met**

The Program that is seeking to be placed in category 4B will need to forecast a time estimate by which the controls will result in WQS attainment; including an explanation of the basis for the conclusion. The demonstration that Ecology develops for EPA will need to describe why the time estimate for the controls to achieve WQS is reasonable. What constitutes a “reasonable time” will vary depending on factors, such as, the initial severity of the impairment, the cause of the impairment (e.g., point source discharges, in place sediment fluxes, atmospheric deposition, nonpoint source runoff), the riparian condition, the channel condition, the nature and behavior of the specific pollutant (e.g., conservative, reactive), the size and complexity of the segment (e.g., a simple first-order stream, a large thermally stratified lake, a density-stratified estuary, and tidally influenced coastal segment), the nature of the control action, cost, public interest, etc.

Use the Category 1 requirements described in Policy 1-11 for showing when the 4B program has successfully met water quality standards.

### **4. Schedule for Implementing Pollution Controls**

The demonstration will describe the implementation schedule for the pollution controls actions.

### **5. Monitoring Plan to Track Effectiveness of Pollution Controls**

The demonstration should include a description of, and schedule for, monitoring milestones to track effectiveness of the pollution controls.

This should include a description of the water quality/fish tissues monitoring that will be performed to determine the effectiveness of the pollution controls on ambient water quality.

Monitoring information will also need to be made available to Ecology and will be critical in order for a water body to maintain 4B status.

## **6. Commitment to Revise Pollution Controls, as Necessary**

The demonstration should provide a statement that the State commits to revising the pollution controls, as necessary, if progress towards meeting water quality standards is not being shown. Also, the demonstration should identify how any changes to the pollution controls, and any other element of the original demonstration, will be reported to the public and EPA. Progress will be reviewed every listing cycle and if progress is not going according to plan, particularly if things are getting worse due to a source control issue, the water will be placed back into Category 5 until a revised program is developed.