



REGION 10
SEATTLE, WA 98101

May 11, 2026

Mr. Jon Kenning
Water Quality Program Manager
Washington Department of Ecology
PO Box 47600
Olympia, Washington 98504-7600

Dear Mr. Kenning:

The U.S. Environmental Protection Agency has completed its review of Washington's 2020-2022 Integrated Report, including the Clean Water Act Section 303(d) list of impaired waters, a priority ranking for impaired waters requiring a Total Maximum Daily Load, and the associated supporting documentation and information. The EPA received the 2020-2022 Integrated Report and 303(d) list from the Washington Department of Ecology on April 25, 2025, through ATTAINS.¹

Pursuant to the EPA's authorities under Section 303(d) of the CWA, 33 U.S.C. § 1313(d), and the implementing regulations at 40 C.F.R. Part 130, the EPA is approving the 303(d) list contained in Washington's 2020-2022 Integrated Report. Although the Integrated Report describes the status of all of Washington's waters, the EPA only has approval authority for the waters proposed to be listed in Category 5, which constitutes the 303(d) list applicable to the waters within the jurisdiction of the state of Washington. In taking this action on Washington's 2020-2022 303(d) list, the EPA considered the information in the record, including but not limited to, Washington's Category 5 data and the narrative supporting documents. A summary of the EPA's review of Washington's compliance with each statutory and regulatory requirement pertaining to the 2020-2022 303(d) list is described in the enclosure to this letter.

¹ The Assessment, Total Maximum Daily Load (TMDL) Tracking and Implementation System (ATTAINS) is the EPA's electronic system to accept and track CWA Section 303(d) submissions and Agency actions.

We recognize and appreciate the hard work of Leanne Weiss, Justin Donahue, Kristen Slodysko and other Ecology staff in developing the 2020-2022 303(d) list. If you have any questions, please do not hesitate to contact me at shaw.hanh@epa.gov or have your staff contact Jill Fullagar, the EPA Assessment Program Coordinator, at fullagar.jill@epa.gov.

Sincerely,

Hanh Shaw
Branch Manager
Standards, Assessment and Watershed
Management Branch
Water Division

Enclosure: U.S. EPA Clean Water Act Review and Decision Rationale for Approval of Washington's 2020-2022 303(d) List

cc (e-Copy):

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U.S. EPA Clean Water Act Review and Decision Rationale for Approval of Washington's 2020-2022 303(d) List

May 11, 2026

1. Introduction

This document sets forth the U.S. Environmental Protection Agency's reasoning for approving Washington's 2020-2022 Clean Water Act (CWA) Section 303(d) list (303(d) list). The EPA received the 2020-2022 Integrated Report (IR) and 303(d) list from the Washington Department of Ecology on April 25, 2025, through ATTAINS.¹

The EPA has conducted a complete review of the state's 2020-2022 303(d) list and supporting documentation and information, including changes from the previous 303(d) list. Based on this review, the EPA has determined that the state's 303(d) list of water quality limited segments (WQLSs)² still requiring total maximum daily loads (TMDLs) (i.e., Category 5 of the state's IR) satisfies the requirements of Section 303(d) of the CWA and the EPA's implementing regulations. Therefore, the EPA hereby approves Washington's 2020-2022 303(d) list.

The EPA's action regarding Washington's 303(d) list does not extend to any waterbodies, or portions of waterbodies, that are within Indian country, as defined in 18 USC § 1151. The EPA is taking no action to approve or disapprove the state's 303(d) list with respect to those waters.

The EPA's action regarding Washington's 303(d) list does not extend to any waterbodies, or portions of waterbodies, that are within lands of exclusive federal jurisdiction. The EPA is taking no action to approve or disapprove the state's 303(d) list with respect to those waters.

2. The EPA's Analysis of Washington's Submission

Section 303(d)(1) of the CWA and the EPA's implementing regulations at 40 CFR 130.7 require states, territories, and authorized Tribes (herein referred to as "states") to identify waters for which effluent limitations required by CWA Section 301(b)(1)(A) and (B) are not stringent enough to implement any applicable water quality standard (WQS). States need not identify on their lists waters where the following controls are adequate to implement applicable standards: 1) technology-based effluent limitations required by the Act, 2) more stringent effluent limitations required by state or local authority, and 3) other pollution control requirements required by state, local, or federal authority. 40 CFR 130.7(b)(1) and (2). CWA 303(d) lists must identify WQLSs still requiring TMDLs. 40 CFR 130.7(b).

¹ ATTAINS data is publicly accessible via the EPA's How's My Waterway online tool and ATTAINS web and geospatial services. For more information, see <https://www.epa.gov/waterdata/get-data-access-public-attains-data>.

² The EPA uses the term, WQLS, to reflect the combination of a water segment and an applicable WQS that is not attained or is threatened. For example, if a segment is not meeting three applicable WQSs then there are three WQLSs for that segment.

The definition of “WQLS” in 40 CFR 130.2(j) includes any segment where it is known that water quality does not meet applicable WQSs (referred to as “impaired waters”) and any segment that is not expected to meet applicable WQSs (referred to as “threatened waters”), “even after the application of the technology-based effluent limitations required by” the Act. The term “WQS” refers to those WQS established under Section 303 of the Act, including numeric criteria, narrative criteria, waterbody uses and antidegradation requirements. 40 CFR 130.7(b)(3). An impaired or threatened water must be on the 303(d) list and requires a TMDL unless the state can demonstrate that no pollutant(s) causes or contributes to the impairment³ or one or more of the three types of requirements described earlier in this paragraph become stringent enough to implement applicable WQSs. In addition, in developing their CWA 303(d) lists, states must meet several procedural, submission, and content requirements as described in this decision document.

States must submit their 303(d) lists to the EPA on April 1 of every even-numbered year. 40 CFR 130.7(d)(1). The EPA must approve or disapprove the 303(d) list not later than 30 days after submission. The EPA approves a list only if it meets the requirements at 40 CFR 130.7(b). 40 CFR 130.7(d)(2). If the EPA approves the listing(s), the state must incorporate the listing(s) into its current Water Quality Management (WQM) plan. If the EPA disapproves a listing decision(s), the EPA must, not later than 30 days after the date of such disapproval, identify waters for inclusion on the 303(d) list. The EPA then must promptly issue a public notice seeking comment on the listing(s). After considering public comment and making any revisions the EPA deems appropriate, the EPA must transmit the listing(s) to the state, and the state must incorporate the listing(s) into its WQM plan.

The statutory and regulatory requirements, and the EPA’s review of the state’s compliance with the requirements, are described in detail in this document. To the extent that any EPA-approved listing decisions are unchanged from prior approved 303(d) list actions, the EPA incorporates the reasoning of those previous list actions unless otherwise noted.

A. Supporting documentation for making listing determinations

EPA regulations at 40 CFR 130.7(b)(6) require states to include, as part of their submissions to the EPA, documentation to support the state’s determination to include or not to include waters on its 303(d) list. Such documentation must include, at a minimum, the information discussed in the subsections below.

i. Description of the methodology used to develop the 303(d) list. 40 CFR 130.7(b)(6)(i).

EPA regulations at 40 CFR 130.7(b)(6) require states to include a description of the methodology used to develop the 303(d) list.⁴ The EPA does not approve or disapprove assessment methodologies. Instead, in acting on CWA 303(d) lists, the EPA evaluates whether the state, territory, or authorized Tribe met listing requirements in determining whether applicable WQSs are met and included waters requiring TMDLs on its 303(d) list. 2024 Integrated Reporting Memorandum (IR Memo) at 15.

³ See CWA Sections 303(d)(1)(A) and 303(d)(1)(C); 40 CFR 130.7(b)(4); 2006 Integrated Reporting Memorandum, page 60; 2024 Integrated Reporting Memorandum, pages 18-19. EPA Integrated Reporting Memoranda may be found at <https://www.epa.gov/tmdl/integrated-reporting-guidance-under-cwa-sections-303d-305b-and-314>.

⁴ The EPA’s Integrated Reporting Memoranda provide more information on assessment methods. See 2006 Integrated Reporting Memorandum at 29.

The EPA finds that Washington has provided a description of its methodologies used for determining whether its waters are achieving the state’s WQSs, satisfying the regulatory requirement to provide a “description of the methodology used to develop the list.” 40 CFR 130.7(b)(6)(i). The methodologies can be found in “Water Quality Assessment Policy 1-11, Chapter 1: Washington’s Water Quality Assessment Listing Methodology.”⁵ The EPA has considered the state’s methodology as part of its review of the state’s 303(d) list.

ii. Description of the data and information used to identify waters. 40 CFR 130.7(b)(6)(ii).

EPA regulations at 40 CFR 130.7(b)(6)(ii) require states to provide a description of the data and information used to identify waters, including a description of the data and information used by the state as required by 40 CFR 130.7(b)(5). The EPA finds that Washington has provided a description of the data and information that it assembled and evaluated in “Supporting Information for the 2022 Water Quality Assessment” document on Ecology’s website.⁶ The EPA has considered the state’s description as part of its review of the state’s 303(d) list.

iii. A rationale for any decision to not use any existing and readily available data and information for any one of the categories of waters as described in 40 CFR 130.7(b)(5). 40 CFR 130.7(b)(6)(iii).

EPA regulations at 40 CFR 130.7(b)(6)(iii) require states to provide a rationale for any decision to not use any existing and readily available data and information for any one of the categories of waters as described in 40 CFR 130.7(b)(5). 40 CFR 130.7(b)(6)(iii). The EPA evaluates whether a state provides a technical, science-based rationale for decisions not to use data or information in developing the list.⁷ The EPA finds Washington provided a rationale where it did not use data or information it assembled and evaluated to develop its list, which is detailed in the “Supporting Information for the 2022 Water Quality Assessment” document and “2022 Water Quality Assessment-Response to Comments” on Ecology’s website.⁸ 40 CFR 130.7(b)(6)(iii). The EPA has considered the state’s rationale as part of its review of the state’s 303(d) list.

iv. Other reasonable information requested by the Region. 40 CFR 130.7(b)(6)(iv).

EPA regulations at 40 CFR 130.7(b)(6)(iv) require states to provide any other reasonable information requested by the EPA. Upon request by the EPA, each state must demonstrate good cause for not including a water or waters on the list. Consistent with 40 CFR 130.7(b)(6)(iv), good cause includes, but is not limited to:

- assessment and interpretation of more recent or accurate data in the record demonstrate that the applicable WQS is met;
- more sophisticated water quality modeling;
- flaws in the original analysis that led to the water being listed; or

⁵ Washington’s Integrated Report documents can be found on Ecology’s Water Quality Assessment and 303(d) List website at: <https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d>

⁶ See FN 5.

⁷ 2024 IR Memo at FN 15 (citing court cases); 2006 IR Memo at 37 (EPA evaluates whether there is a “reasonable technical rationale”).

⁸ See FN 5.

- changes in conditions.

Good cause may also include, for example (see, e.g., 2006 IR Memo at 58-59):

- existence of an EPA approved or EPA-established TMDL;
- demonstration that the impairment is being addressed through more stringent effluent limits or other pollution control requirements; or
- demonstration that the impairment is not caused by a pollutant.

EPA has considered this information as part of its review of the state's 303(d) list.

B. Public participation

EPA regulations require states to provide for public participation in the development of their 303(d) lists. 40 CFR 130.7(a). States are expected to demonstrate how they considered public comments in their final decisions. The EPA considers the public comments and state responses, as appropriate, in its actions on 303(d) lists in determining whether a state has provided reasoned support for its submission. See 2006 IR Memo at 25-26.

Washington provided several opportunities for public participation. Ecology solicited public participation when it updated its "Water Quality Assessment Policy 1-11," which describes assessment methodologies used in the 2020-2022 IR. A Tribal review period for the updated draft policy began on October 6, 2022, followed by a public review period that started on November 1, 2022, with both ending on December 31, 2022. For the Water Quality Assessment itself, Ecology offered Tribal governments the opportunity to review an early draft of Washington's 2020-2022 assessment from September 30, 2024, to October 30, 2024, followed by a 60-day public comment period from November 4, 2024, through January 10, 2025. The state hosted an informational webinar for the interested public on November 13, 2024. The state's 2020-2022 303(d) list submission included the public comments received and the state's responses to those comments in the "2022 Water Quality Assessment-Response to Comments," available on the state's website.⁹

The EPA concludes Washington provided an opportunity for public comment on its 303(d) list consistent with 40 CFR 130.7(a). In addition, the state demonstrated how it considered public comments in its final decision.

C. Assembling, evaluating, and using data and information

i. Assemble and evaluate data and information

States must assemble and evaluate all existing and readily available water quality-related data and information to develop the CWA 303(d) list. 40 CFR 130.7(b)(5). In reviewing a state's 303(d) list submission, the EPA considers whether the state has satisfied the requirements under 40 CFR 130.7(b)(5) to assemble and evaluate all existing and readily available water quality-related data and information when developing their CWA 303(d) list. This includes, at a minimum, all existing and readily available data and information about the following categories of waters: (1) waters identified as partially meeting or not meeting designated uses, or as threatened, in the state's most recent CWA

⁹ See FN 5.

Section 305(b) report; (2) waters for which dilution calculations or predictive modeling indicate non-attainment of applicable WQSs; (3) waters for which water quality problems have been reported by local, state, and federal agencies; members of the public; and academic institutions (these organizations and groups should be actively solicited for research they may be conducting or reporting); and (4) waters identified as impaired or threatened in any CWA Section 319 nonpoint source assessment submitted to the EPA. In addition to these minimum categories, states are required to assemble and evaluate any other water quality-related data and information that is existing and readily available. 40 CFR 130.7(b)(5).

Ecology conducted a call for data to develop the 2020-2022 Integrated Report from July 5, 2022 to September 30, 2022. A description of the data assembled can be found in the “Supporting Information for the 2022 Water Quality Assessment” document on Ecology’s website.¹⁰

The EPA has reviewed the state’s submission, including the state’s description of the data and information that it assembled and evaluated, and finds that the state satisfied the requirement to assemble and evaluate all existing and readily available water quality-related data and information to develop its list under 40 CFR 130.7(b)(5).

ii. Use of data and information

States must use existing and readily available water quality-related data and information in developing the CWA 303(d) list, 40 CFR 130.7(b)(5), unless they provide a rationale not to use them, 40 CFR 130.7(b)(6)(iii). The EPA evaluates whether a state provides a technical, science-based rationale for decisions not to use data or information in developing the list.¹¹

The EPA evaluated whether Washington provided a technical, science-based rationale for any decisions not to use existing and readily available water quality-related data or information to make a WQS attainment status determination and concluded the state provided such a rationale for the purposes of 40 CFR 130.7(b)(6)(iii). A rationale describing why data were insufficient for making a WQS attainment determination can be found in the comment and rationale fields in ATTAINS, in the state’s Assessment Search Tool and Water Quality Atlas, as well as in the “Supporting Information for the 2022 Water Quality Assessment” and “2022 Water Quality Assessment Response to Comments” documents. Links to all Ecology search tools and documents can be found on the state’s website.¹²

D. Identification of waters for inclusion on the 303(d) list

As noted above, EPA regulations at 40 CFR 130.7(b)(6) require states to provide documentation to support the state’s determination to include or not include its waters on the 303(d) list. The EPA has reviewed the state’s submission, including its assessment methodology and additional supporting documentation for its listing determinations. The justification for each of Ecology’s water quality status determinations can be found in the comment and rationale fields in ATTAINS, in the state’s

¹⁰ See FN 5.

¹¹ See CWA Sections 303(d)(1)(A) and 303(d)(1)(C); 40 CFR 130.7(b)(4); 2006 Integrated Reporting Memorandum, page 60; 2024 Integrated Reporting Memorandum, pages 18-19. EPA Integrated Reporting Memoranda may be found at <https://www.epa.gov/tmdl/integrated-reporting-guidance-under-cwa-sections-303d-305b-and-314>.

¹² See FN 5.

Assessment Search Tool and Water Quality Atlas, as well as in the “Supporting Information for the 2022 Water Quality Assessment” and “2022 Water Quality Assessment Response to Comments” documents. Links to all Ecology search tools and documents can be found on the state’s website.¹³

i. Approval of identification of waters for inclusion on the 303(d) list

The EPA determined that the waters included on Washington’s 2020-2022 303(d) list are listed consistent with the CWA Section 303(d) and 40 CFR 130.7 requirements, and the EPA is approving all waters the state included on the 303(d) list. The EPA’s approval of the 303(d) list is based on the EPA’s review of the state’s submission including the description of the data and information concerning individual waters, documentation to support decisions to rely or not rely on particular data and information, and a description of how data and information were applied to make WQS attainment status determinations. The EPA also considered applicable public comments and responses. Washington’s list of impaired waters can be found using Ecology’s Assessment Search Tool and Water Quality Atlas on the state’s website¹⁴ and filtering for Category 5 waters. The list of impaired waters and supporting documentation was submitted to the EPA through ATTAINS.

ii. Approval of exclusion of waters identified on previous 303(d) lists

Washington’s 2020-2022 303(d) list submission delists 252 WQLSs. In reviewing the state’s 2020-2022 303(d) list, the EPA carefully considered the state’s decision to remove 252 previously-listed WQLSs from the 303(d) list submission, its justification for those removals, any applicable public comments and responses, and the methodology used in making those decisions.

- **Category 4a:** Consistent with the EPA’s regulations at 40 CFR 130.7(b), the state appropriately moved 46 previously-listed waters to Category 4a of the IR where an EPA-approved TMDL is now in place.
- **Category 4b:** Consistent with the EPA’s regulations at 40 CFR 130.7(b), the state appropriately moved 40 previously-listed waters to Category 4b of the IR where an appropriate pollution control requirement is now in place.
- **Attainment of WQSs:** Consistent with the EPA’s regulations at 40 CFR 130.7(b), the state appropriately moved 54 previously-listed waters to Category 1 because data indicate they are meeting WQSs.
- **Other Reasons for Delisting:** Consistent with the EPA’s regulations at 40 CFR 130.7(b), the state appropriately moved 112 previously-listed waters out of Category 5 and into Category 2 or 3 due to errors in the original listing, changes in WQSs or the availability of new data.

The EPA concludes that the state’s decisions to remove 252 WQLSs previously identified as part of the 303(d) list are reasonable, based on all existing and readily available water quality-related data and information, applicable WQSs, and sound science, and the removal decisions are properly justified.

¹³ See FN 5.

¹⁴ See FN 5.

E. Identification of pollutants causing or expected to cause a violation of applicable WQSs (40 CFR 130.7(b)(4))

As part of their CWA 303(d) lists, states are required to identify the pollutants causing or expected to cause violations of the applicable WQSs. 40 CFR 130.7(b)(4). This includes a pollutant that by itself or in combination with other pollutants causes or is expected to cause violations of applicable WQSs. States must identify on their 303(d) lists all pollutants that are known to be causing or are expected to cause violations of the applicable WQSs. 40 CFR 130.7(b)(4) and 2024 IR memo at 17-19. For listed waters, if the available data and information do not support identification of pollutants causing or expected to cause the exceedance, list submissions would identify the pollutant as “unknown.”

Consistent with 40 CFR 130.7(b)(4), Washington appropriately identified the pollutants that were causing or expected to cause a violation of the applicable WQSs. For waters where the available data and information did not support identification of pollutants causing or expected to cause the exceedance, the state appropriately included the water on the 2020-2022 303(d) list and identified the pollutant as “unknown.” The EPA encourages the state to reassess and potentially refine that determination when additional data and information become available. See 2024 IR Memo.

F. Priority ranking and two-year TMDL development (40 CFR 130.7(b)(4))

The CWA and the EPA’s regulations require states to establish a priority ranking for the waters on their CWA 303(d) list “taking into account the severity of the pollution and the uses to be made of such waters.” CWA Section 303(d)(1)(A); 40 CFR 130.7(b)(4). The regulations at 40 CFR 130.7(b)(4) provide that this priority ranking must include “all listed water quality limited segments still requiring TMDLs” and further require that states submit their priority rankings to the EPA as a component of their biennial CWA 303(d) lists. Additionally, the regulations require that the priority ranking identify the waters targeted for TMDL development in the next two years. 40 CFR 130.7(b)(4).

Washington’s description of how all listed WQLs are prioritized for TMDL development, including identification of waters targeted for TMDL development in the next two years, is included within the state’s 303(d) list submission in “Supporting Information for the 2022 Water Quality Assessment,” found on Ecology’s website.¹⁵ The priority rankings for all WQLs were submitted to the EPA through ATTAINS.

The EPA’s review of Washington’s submission finds that the state established a priority ranking for all waters on the CWA 303(d) list, taking into account the severity of the pollution and the uses to be made of such waters.¹⁶ In addition, the state identified the waters targeted for TMDL development in the next two years.

G. Tribal Consultation by the EPA

The EPA’s policy is to consult on a government-to-government basis with federally recognized Tribal governments when EPA actions and decisions may affect Tribes. To promote coordination and consultation, all Tribes that may be affected by the EPA’s upcoming action on the state’s CWA 303(d)

¹⁵ See FN 5.

¹⁶ In addition to these two statutory factors, states may also consider other factors when prioritizing TMDLs. See 57 Fed. Reg. 33040, 33,044-45 (July 24, 1992).

list were identified, notified of the upcoming state's list submission for EPA action, and offered the opportunity to engage in consultation with the EPA. The EPA held an informational webinar for interested Tribes on December 11, 2024. Thirteen representatives from ten Tribes attended the webinar.

Consultation and coordination were concluded after the EPA received Washington's final 2026 303(d) list and were conducted consistent with the EPA's policy on consultation and coordination with Indian Tribes.¹⁷ The EPA coordinated with Tribes to be responsive to requests for information, receive input, and discuss whether and how to engage in government-to-government consultation. While no Tribes requested government-to-government consultation, one Tribe requested additional coordination, consistent with the EPA's policy.

3. Summary of the EPA's decision on the Washington 2020-2022 CWA 303(d) list

After careful review of Washington's final CWA 303(d) list submission package, the EPA has determined that Washington's 2020-2022 303(d) list meets the requirements of Section 303(d) of the CWA and the EPA's implementing regulations. Therefore, the EPA approves Washington's 2020-2022 303(d) list.

¹⁷ https://www.epa.gov/tribal/consultation-tribes#policy_consultation_coordination.