

Rein Attemann

Washington Environmental Council submits the attached comments on the Rulemaking - Chapter 173-201A WAC - Recreational Use Criteria Draft EIS.

Thank You

Rein Attemann

September 14, 2018

Washington State Department of Ecology
Attn. Becca Conklin
PO Box 47600
Olympia, WA 98504-7600

By email to: swqs@ecy.wa.gov or [online comment form](#)

Dear Ms. Conklin,

Thank you for the opportunity to comment on the draft Environmental Impact Statement for on the changes to the Water Quality Standards for Surface Waters of the State of Washington- WAC 173-201A (Water Quality Standards). Washington Environmental Council (WEC) supports the Department of Ecology's process to enhance the protection of people who contact water during recreational use in our state fresh and marine waters.

WEC is a 501(c)(3) organization founded in 1967. Our mission is to protect, restore, and sustain Washington's environment for all, and we are committed to clean water protections for Puget Sound and for all Washington State waters.

WEC believes that this rulemaking proposal to update Chapter 173-201A WAC to include new bacterial indicators and numeric criteria for water contact recreational use, modify the water contact recreational use classes, and improve location information for fresh and marine waters meets the objective to enhance the state's water quality standards to be as protective as possible to protect the public from waterborne illnesses and disease while boating, swimming, and recreating in state waters.

WEC supports transitioning from a fecal coliform-based water contact recreation use criteria to one based on *E. coli* and/or *enterococci* and certain changes to key elements in the current water standards. More specifically;

Selecting a Bacterial Indicator for Freshwater

WEC supports Ecology's decision to select Alternative 1: selects *E. Coli* as the freshwater bacterial indicator.

E. Coli as an indicator is more protective and since the EPA no longer recommends fecal coliform as an indicator for recreational use criteria. EPA is requiring the adoption of *E. coli* or enterococcus as freshwater indicators and enterococcus for marine waters.

Modifying Water Contact Recreation Use Classes

WEC supports Ecology's decision to select Alternative 2: sets water contact recreation use criteria for only the primary contact use class, and remove the extraordinary and secondary use classes associated with fresh and marine waters.

WEC greatly appreciates Ecology's implementation of an Environmental Justice Benefits and Lens (Section 4.2.2.2 in Preliminary Regulatory Analyses document) to ensure that all communities throughout the state have access to cleaner and safer fresh and marine waterbodies regardless of where they live. Eliminating the secondary use contact designation (wading and partial immersion during recreational activities) elevates all waterbodies to primary contact use and creates equity for all Washingtonians.

Selecting an Illness Rate for Bacterial Indicators

WEC supports Ecology's decision to select Alternative 1: Select an illness rate of 32 per 1,000 primary contact recreators.

Average Period Duration

WEC supports Ecology's decision to select Alternative 2: The geometric mean would be calculated over a 30-day rolling averaging period for permit compliance, while all other monitoring data would be averaged over a 90-day rolling averaging period.

WEC recommends language that directs permittees to conduct the sampling during the times people are actually recreating in the water.

Minimum Sample Number for Averaging

WEC ***does not*** support Ecology's decision to select Alternative 2: Require a minimum of 3 samples to calculate the geometric mean within the averaging period.

WEC **supports the No Action alternative (#3)** which would keep the current language that 5 or more data collection events are preferable when calculating a geometric mean. A minimum sample size of only 3 samples is not sufficiently protective given the sporadic nature of fecal contamination from nonpoint sources. We support a much higher minimum number of samples to be averaged using a geometric mean for the purposes of establishing compliance.

Units of Measure for Bacteria

WEC supports Ecology's decision to select Alternative 1: Change units of measure to "MPN or CFU per 100 mL."

Adoption of Cyanotoxin Criteria

WEC supports Ecology's decision to select Alternative 2: No Action

Transition Period for Criteria Changes and Accreditation

WEC supports Ecology's decision to select Alternative 1: The water contact recreation use criteria proposal includes both the fecal coliform-based criteria and the newly adopted criteria for a 2-year period. This transition period will allow dischargers and environmental monitoring staff to collect side-by-side data on the new bacterial indicators and if necessary, adjust treatment technologies. A proposed sunset date is included in the proposed rule, after which time all compliance monitoring for the protection of water contact recreation use will need to meet the new bacteria indicator criteria of E. coli or enterococci (Note: all fecal coliform monitoring requirements to protect shellfish beds will remain in place until pollution control objectives have been met and shellfish harvesting uses are fully attained).

WEC believes the 2-year transition period that includes both the fecal coliform-based criteria and the newly adopted criteria is very reasonable and implementable by permittees. Furthermore, method evolution needs side-by-side testing until the old method is retired while providing a dependable backup plan as new tests are incorporated.

Thank you for considering our comments as you evaluate the benefits of updating the state's fresh and marine water quality standards to protect human health of all Washingtonians.

Sincerely,

Rein Attemann

Puget Sound Campaign Manager

rein@wecprotects.org