



Snohomish County

Public Works
Surface Water Management

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Dave Somers
County Executive

September 14, 2018

Becca Conklin
Water Quality Program
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Re: Updates to Recreational Water Quality Criteria

Dear Ms. Conklin:

Snohomish County (County) appreciates Washington State Department of Ecology's (Ecology) efforts to update the recreation use water quality indicator bacteria standards found in Washington State Administrative Code WAC 173-201A (Rule) and provide the Implementation Plan (Plan), which includes critical information for those who must comply with Rule.

It is critically important that the Rule and Plan are clear and provide stakeholders and the public assurance that we are protecting public health while using resources wisely. When Ecology identifies waters polluted beyond bacteria standards, jurisdictions like Snohomish County are required by their Municipal Stormwater System (NPDES) Permits to implement clean-up actions. These actions include, but are not limited to, surface water monitoring, water quality complaint investigation, outreach and education, plus bacteria source identification and control programs.

The County provides the following comments and recommendations on the Rule and Plan to better ensure the effectiveness of our actions and wise use of limited public resources.

Proposed Rule

- 1. Comment:** References to Ecology's Water Quality Policy (WQP) 1-11 Chapters 1 and 2 within the Rule would be beneficial for stakeholders looking to understand linkages between the Rule and data collection, evaluation and assessment policies.

Recommendation: Embed a reference to WQP 1-11 within the Water Contact Recreation section.

- 2. Comment:** Ecology's February 2018 public review draft of the WQP required a minimum of five (5) freshwater fecal coliform samples within each averaging period to calculate a geometric mean value in accordance with WAC 173-201A-200(2)(b)(i). The draft Rule proposes requiring only three (3) *E. coli* samples within each averaging period to assess whether or not a waterbody is meeting standards. Given the highly variable nature of fecal coliform bacteria, we question whether 3 samples are sufficient to make an assessment.

Recommendation: The minimum number of samples required to calculate the geomean value within each averaging/critical period should remain at five (5). The County requests the scientific rationale supporting the proposal to utilize three (3) samples.

- 3. Comment:** The terminology "averaging period" is undefined in WAC 173-201A-020 for both effluent discharges and ambient water quality conditions. The terms "averaging period" in the Rule and "critical period" in the WQP are utilized interchangeably, but mean the same thing. Additionally, the Rule should clarify that data are analyzed by water year, in addition to critical period/averaging period, for the purposes of determining attainment of standards.

Recommendation: Include definitions for "averaging period" for both effluent dischargers and ambient water samples in section 173-201A-020. For ambient waters, limit confusion between Rule and the WQP by using either averaging or critical period, but not both and clarify that data are also analyzed by water year.

Implementation Plan

- 4. Comment:** Page 4 of the Plan indicates the proposed Rule will require a minimum of three (3) samples within the averaging period to calculate the geometric mean for comparison to the geometric mean criteria. It then states: "**Permit writers should require weekly sampling to collect an adequate number of samples to compare to the geometric mean.**" This sentence appears to be intended for NPDES Municipal permittees subject to Water Quality Based Effluent Limits. However, the sentence could be interpreted to apply to NPDES Municipal Stormwater permittees.

Recommendation: Please clarify which NPDES permittee the sentence in **bold** above refers to.

- 5. Comment:** Page 5, last paragraph, indicates that "When the fecal coliform indicator is phased out of the water quality standards (December 2020), *E. coli* will remain as the sole numeric criteria for determining that this use is met. Ecology will work with the EPA and local watershed stakeholders to determine the appropriate time to change to the *E. coli* indicator. **Dual parameter monitoring of fecal coliform and the updated bacterial indicator may be needed to determine attainment of water contact recreation uses.**"

The proposal for dual monitoring is rather vague and complicated by existing TMDLs, the location of a freshwater body, the draft status of the Water Quality Policy 1-11 and timing of NPDES Municipal Stormwater permit issuance.

Recommendation: Do not require dual monitoring as a component of NPDES Municipal Stormwater permits or to delist an impaired waterbody. If Ecology's intent to consider this further, they should coordinate with NPDES Municipal Stormwater permittees and other stakeholders.

6. **Comment:** Page 6 of the Plan indicates that Ecology anticipates the Rule will be adopted before the current Water Quality Assessment is completed in 2019, but does not anticipate updating the WQP such that methods of assessment for fecal coliform and E.coli will match Rule.

Recommendation: The County requests that Ecology update the Water Quality Policy to be consistent with adopted Rule such that the Water Quality Assessment is consistent with both in terms of averaging periods, sample size and indicators to use for each waterbody.

Snohomish County staff are available to discuss our comments and we look to continued coordination.

If you have questions, please contact Steve Britsch at s.britsch@snoco.org or by phone at 425-262-2656.

Sincerely,



For:

Janell Majewski
Resource Monitoring Supervisor
Snohomish County Surface Water Management