



Washington Association of Sewer & Water Districts

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May 6, 2024

Department of Ecology VIA Public Comment Portal

https://wg.ecology.commentinput.com/?id=apZ8BGx2sQ&utm_medium=email&utm_source=govdelivery

Marla Koberstein
Department of Ecology
Water Quality Program
PO Box 47696
Olympia, WA 98504-7696

RE: Proposed Aquatic Life Toxics Criteria

Dear Ms. Koberstein:

Thank you for the opportunity to comment on the Aquatic Life Toxics Criteria. The Washington Association of Sewer and Water Districts represents more than 180 public sewer and water districts in the state. These districts provide cost-effective sewer and water services to approximately 20% of our state's population in urban and rural, and large and small communities. Clean water is a major concern to both our membership and the customers they serve.

We appreciate Ecology's efforts to harmonize toxics criteria required by EPA with the unique circumstances regarding endangered species that utilize Washington waters. Our focus will always be to keep contaminants out of waterbodies, as it is more difficult and expensive to remove them than to keep them out in the first place.

We have concerns with both the new inclusion of aluminum in the rules, and with the arsenic criteria.

Heather Kibbey, WASWD Regulatory Liaison, asked questions about aluminum and arsenic following the April 4 workshop and received some well thought out answers from Bryson Finch of Ecology staff. These clarifications are not included in the body of the rulemaking document, and we view it as essential to include them in the document. For aluminum, there is no mention of the form of aluminum that would be considered under the rule. Since aluminum is the most abundant metal in earth's crust, it would be reasonable to find it in every natural waterbody. Mr. Finch clarified that the rule is only geared at free aluminum, such as would be the result of mining. This should be inserted into the aluminum discussion starting on Page 45 of the document for clarification.

The arsenic criteria are problematic because Washington State is the land of volcanoes, which are enriched in arsenic. This was brought to light some years ago during Ecology's Puyallup River Mediation. Ecology found elevated amounts of arsenic in Puyallup River waters as part of the reallocation of dissolved oxygen in the system. Ecology stated that they were going to examine treatment plants and industries on the river to discover how the elevated arsenic was getting into the river. A number of scientists involved in the mediation stated that was a waste of time because the arsenic was coming from the volcano. Ecology studied this for a number of weeks and came back to the group to state that the arsenic was coming from the volcano. Mr. Finch stated in an email that a Use Attainability Analysis (UAA) would need to be done when naturally occurring pollutants prevent the attainment of the aquatic life use. Ecology needs to document this in the rulemaking, but also needs to rethink this for natural systems that we already know are enriched with arsenic. A UAA is expensive and difficult to do. It seems pointless when we know that volcanoes are a key source in this state as already shown for the Puyallup River system.

We appreciate the thought, work and research that has gone into developing these criteria.

Sincerely,

A handwritten signature in blue ink that reads "Judi Gladstone". The signature is written in a cursive, flowing style.

Judi Gladstone
Executive Director
WASWD