



King County

Department of Natural Resources and Parks

Wastewater Treatment Division

Water and Land Resources Division

King Street Center, KSC-NR-5500

201 South Jackson Street

Seattle, WA 98104-3855

July 24, 2024

Marla Koberstein

Department of Ecology

Water Quality Program

PO Box 47696

Olympia, WA 98504-7696

RE: Chapter 173-201A WAC (Natural Conditions) Proposed Rule Draft – King County Comments

Dear Ms. Koberstein:

Thank you for the opportunity to submit comments on the draft public rule to revise Chapter 173-201A of the Washington Administrative Code (WAC) regarding Natural Conditions provisions. King County is committed to meeting our regulatory obligations and implementing clean water and healthy habitat protections to achieve high quality environmental outcomes and equitable benefits for communities.

In 2022, King County expanded our decades-long Central Puget Sound marine monitoring to include data collection from Whidbey Basin, focusing on areas that are both sensitive to human influence and difficult to model. Additionally, King County continues to fund research at the University of Washington, Puget Sound Institute, and the University of British Columbia to complement the Department of Ecology's scientific modeling work. We believe that robust scientific research will help all agencies better understand the ecological dynamics of Puget Sound and that it should inform effective policy and regulatory decisions.

We acknowledge Ecology's considerable effort to develop the proposed natural conditions rule and we have attached detailed comments for your consideration. A top-level issue for King County is concern regarding Ecology's proposed public notice and comment process. Specifically, we recommend that the performance-based approach include a clear, easy to use public notice and comment process for developing natural conditions criteria. We are concerned that the absence of a clear public notice and comment process makes the subsequent permitting decisions applying natural conditions the only opportunity for raising scientific or technical concerns. Providing a pre-permit opportunity for public notice and comment on natural conditions determinations would help all parties best address scientific issues earlier and more effectively.

Chapter 173-201A WAC (Natural Conditions) Proposed Rule Draft – King County Comments


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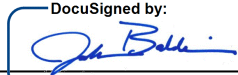
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Establishing an effective public notice and comment process is especially important for the Puget Sound dissolved oxygen water quality issue. According to the Puget Sound Nutrient Reduction Project website, we understand that Ecology intends to undertake regulatory action for nitrogen by creating a Nutrient Reduction Plan, as an alternative to the more traditional total maximum daily load (TMDL) process, which has structured public notice and opportunities for input on science. We recommend that the performance-based approach be modified to reflect the public review steps in the TMDL process by providing opportunities for early notice and comment. Doing so will promote dialogue and collaboration across interested parties, reduce unnecessary and costly appeals, and improve environmental outcomes.

We appreciate Ecology's consideration of these comments and would welcome the opportunity to further discuss this important work. If you have questions or need more information, please contact Jacque Klug, WTD Nutrient Management Coordinator at Jacque.Klug@kingcounty.gov or (206) 477-4474.

Sincerely,

DocuSigned by:

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Kamaron Gurol, Division Director
Wastewater Treatment Division
Department of Natural Resources and Parks

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Josh Baldi, Division Director
Water and Land Resources Division
Department of Natural Resources and Parks

Attachment