



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

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*STATE ENVIRONMENTAL POLICY ACT*  
**Determination of Non-Significance**

**Date of Issuance:** May 10, 2024

**Lead agency and proponent:** Washington Department of Ecology, Water Quality Program

**Agency Contact:** Marla Koberstein, (360) 628-6376, [swqs@ecy.wa.gov](mailto:swqs@ecy.wa.gov)

Ecology is proposing to revise chapter 173-201A WAC, Water Quality Standards for Surface Waters of the State of Washington. We are considering the following revisions in this rulemaking:

- WAC 173-201A-020, Definitions: adding a definition for a performance-based approach method and a definition for local and regional sources of human-caused pollution.
- WAC 173-201A-200(1)(c), Aquatic life temperature criteria, subsection (i): updating the allowable insignificant changes to freshwater temperature criteria when natural conditions are the applicable criteria.
- WAC 173-201A-200(1)(d), Aquatic life dissolved oxygen (D.O.) criteria, subsection (i): updating the allowable insignificant changes to freshwater dissolved oxygen criteria when natural conditions are the applicable criteria.
- WAC 173-201A-210(1)(c), Aquatic life temperature criteria, subsection (i) updating the allowable insignificant changes to marine water temperature when natural conditions are the applicable criteria.
- WAC 173-201A-210(1)(d), Aquatic life dissolved oxygen (D.O.), subsection (i): updating the allowable insignificant changes to marine water dissolved oxygen when natural conditions are the applicable criteria.
- WAC 173-201A-260(1), Natural and irreversible human conditions: updating the natural conditions criteria language and describing methods for determining natural conditions criteria values.
- WAC 173-201A-430(2), Site-specific criteria: updating how analyses must be conducted.
- WAC 173-201A-470, Performance-based approach: adding this new section to describe and reference the methodology to determine natural conditions criteria values.

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- Ecology publication 24-10-017, A Performance-Based Approach for Developing Site-Specific Natural Conditions Criteria for Aquatic Life in Washington, a separate rule document that provides the methodology to determine natural conditions criteria values.
- Minor, non-substantive edits to rule language in WAC 173-201A-430(2) to reflect the latest version of referenced documents.

We are proposing revisions to natural conditions provisions in our surface water quality standards to provide water quality protection for aquatic life organisms and to establish possible methods for deriving those protective values. We:

- Evaluated the latest scientific data, methods, modeling tools, and approaches to update the natural conditions provisions necessary for refining aquatic life protection.
- Considered the U.S. Environmental Protection Agency's recommend approaches for natural conditions in water quality standards, including a performance-based approach for determining protective natural conditions criteria.
- Considered the U.S. Environmental Protection Agency's draft, deliberative, and Washington-specific recommendations for the performance-based approach methodology.

The Washington State Department of Ecology has determined that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030. We have reviewed the attached Environmental Checklist and supporting rulemaking documents. This information is available on our [rulemaking webpage](#).

This determination is based on the following findings and conclusions:

Ecology has determined that the proposed rule amendments will not result in probably significant adverse impacts on the environment. This is a nonproject SEPA that involves a rulemaking for the Washington State Water Quality Standards. The rulemaking, if concluded, will revise natural conditions provisions with the intention of providing protection for aquatic species and their habitats.

An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist (attached) and other information provided in the rulemaking documents.

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This DNS is issued under WAC 197-11-340(2). The comment period for this DNS runs concurrently with the comment period on the underlying proposal to amend the Water Quality Standards for Surface Waters of the State of Washington (CR-102). Comments will be taken on this DNS and on the underlying rule proposal until July 12, 2024.

Please send written comments to: <https://wq.ecology.commentinput.com?id=gHacGx2j4E>

**Responsible official:**

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Signature



Date May 10, 2024

Appeal process:

An appeal of the decision to issue a DNS may be consolidated with the decision on the underlying action (to adopt revisions to chapter 173-201A WAC) and is governed by the Administrative Procedures Act (RCW 34.05).