

"It is clear to me that Washington state needs to reach beyond the confines of our historical regulatory approaches and recognize how water pollution has changed in the 40 years since the Clean Water Act became law."

Governor Jay Inslee



Ensuring Safe, Clean Water for Healthy People and a Strong Economy:

Updating Washington's water quality standards to meet today's toxic threats

The federal Clean Water Act requires that waterways be safe for the public's intended uses. If a lake is used for swimming, it needs to be clean enough that people can swim in it safely. If people eat fish from a lake or bay, the fish need to be safe enough to eat. How a water body is used helps determine how clean it needs to be.

Washington state is in the process of updating its clean water standards, as required under the Clean Water Act. If the state does not act soon, the federal government could step in and impose its own standards on Washingtonians.

Our water quality regulations, which are designed to protect Washington's water bodies, apply to "permitted dischargers," or those facilities owned by businesses or local governments that discharge pollution to Washington waters. These facilities are regulated through permits that control how much pollution they are allowed to discharge.

When the Clean Water Act was passed more than 40 years ago, the main concern was uncontrolled pollution coming out of large pipes from large facilities. Today, pollution from those facilities is controlled through a mature regulatory system and technological responses. While there's more work to be done, we've come a long way. Today, our bigger concern is the uncontrolled release of chemical pollutants that come from

diffuse, largely unregulated sources — from the brakes on our cars to the flame retardants in our furniture. Under the old regulatory approach, we would continue to ratchet down limits for permitted facilities without getting at the real problem and without adequately protecting Washingtonians from real toxic threats. It's time for a new approach.

Governor Inslee's approach

In updating Washington's water quality standards, Governor Jay Inslee believes we must find an approach that recognizes how water pollution has changed in the four decades since the Clean Water Act became law. And he has insisted that Washington's approach must do three things: protect all Washingtonians, including those who eat a lot of fish; protect clean water; and protect our economy. Choosing between these priorities is not an option. After close study and much work, the Governor has charted an innovative new course that accomplishes this goal by tightening standards to protect high consumers of Washington fish and going after toxic pollution at its source while making it possible for businesses and local governments to meet the new standards.

Revising our water quality standards

Current standards — set in the early 1990s — assumed that people eat 6.5 grams of Washington fish per day, or about a serving a month. We know that many people in this state — such as Native Americans and recreational fishers — eat much more fish than this. Our regulations need to reflect this fact and protect all Washingtonians.

Under the Governor's approach, water quality standards will be designed to protect people who eat 175 grams (about one serving) of Washington fish per day, instead of today's unrealistically low rate.

The state's cancer risk rate will be set at 10^{-5} , meaning that if a person were to eat a 175-gram

serving of fish from Washington waters every day for 70 years, he or she would have a 1-in-100,000 chance of developing cancer. In about 70 percent of cases, standards will be more protective. In other cases where this cancer risk rate would result in a less protective standard than we currently have, today's standards will be maintained.

A separate approach will be used for arsenic, which is a naturally occurring element in waters throughout the state. Our current standard for arsenic is not attainable and essentially meaningless because it is set below levels that occur naturally in much of our surface water and groundwater. Governor Inslee proposes to use the federal drinking water standard for arsenic. By setting the new standard at drinking water levels, industrial dischargers won't be asked to meet an impossible standard.

Ensuring compliance with standards is possible

In some cases it will be difficult or impossible to meet these new standards without regulatory tools that recognize this challenge. A permitted discharger may be required to comply with limits on a chemical even if it isn't the source of that chemical in the discharge. In some cases, technologies may not yet be available to remove toxics down to the standards. And in some cases, reduction efforts could take far longer than the standard five-year period of most permits. The Governor's proposal includes implementation tools to address these situations while requiring dischargers to take all appropriate actions to reduce pollution.

This will include a tool the state has never used: variances. When meeting certain standards is not possible, variances could provide municipalities and businesses the time needed to achieve compliance as long as they are taking active and consistent steps toward meeting those standards.

GOVERNOR'S PROPOSED RULE

Keeping water clean for our communities

MORE protective than
current standards for
70% of chemicals



AS protective as
current standards for
30% of chemicals

The Governor's proposed water quality rule will result in standards that are more protective for 70% of regulated toxics. A majority of those will be 2-20 times more protective.

Attacking pollution at its source

While we are increasing levels of protection on discharges from permitted facilities, the fact remains that facilities are often not the sources of the chemicals we are most concerned about. Focusing only on these facilities will have limited benefit in reducing toxics regulated under this rule and will not address the larger universe of unregulated contaminants.

Much of this unregulated pollution is simply unnecessary, existing only because there are no requirements or incentives to avoid the use of chemicals that threaten people and the environment. Governor Inslee is proposing a new approach that targets known, unregulated toxic threats, discourages introducing problem chemicals into widespread commerce when safer approaches are available, and focuses efforts to find and eliminate sources of toxic pollution across the state.

The Governor's proposal would:

1. Move immediately to combat known, high-priority pollution.

- » Direct the departments of Health and Ecology to identify and report on actions to address the following toxic threats:
 - PCBs, a toxic chemical found in fish around the state
 - Phthalate plasticizers, a suspected endocrine disruptor found in many consumer products
 - Toxic flame retardants that pose cancer and reproductive risks in the home and workplace
 - Zinc, which is harmful to aquatic invertebrates and plants and comes from sources such as roofing and tires
- » Direct the Department of Ecology to use Chemical Action Plans to identify actions to reduce threats from priority chemicals.

2. Get toxic chemicals out of consumer products.

- » Pass legislation to require industries to look for safer, alternative approaches when we identify a toxic chemical in commerce that threatens our health or environment.
- » Authorize the Department of Ecology to ban the use of certain toxic chemicals when we know that such use is creating unacceptable exposure risk and safer alternatives are available.
- » Accelerate “green chemistry” to advance the availability of safer chemicals in manufacturing processes.
- » Direct the Department of Enterprise Services to work with the Department of Ecology to provide recommendations that ensure state purchasing practices require safer products when available.

3. Find and eliminate specific sources of problem chemicals in polluted watersheds.

- » Where pollution levels are elevated, attack pollution sources — permitted and unpermitted — in partnership with local, federal and tribal governments.
- » Conduct voluntary Lean management exercises, in partnership with businesses, to eliminate the unnecessary use of toxic chemicals in industrial processes, which saves money and reduces potential pollution.

4. Fund efforts to better understand sources of toxic pollution and new technologies to address them.

- » Increase monitoring to better identify pollution sources and measure the effectiveness of cleanup actions.
- » Investigate possible sources of toxic pollution — such as certain roofing materials and associated components — to inform prevention efforts.
- » Expand research into pervious pavement, rain gardens and other technologies to reduce toxic pollution in stormwater.
- » Fund Washington State University efforts to understand why salmon die from stormwater runoff before they can spawn.

5. Provide accountability and transparency to ensure the job gets done.

- » Invite regular input from the public, stakeholders and local, federal and tribal governments to ensure we’re prioritizing the right chemicals in the right parts of the state.
- » Regularly report to the public and the Legislature on progress and obstacles, to be accountable and ensure we make real gains.

Results that count

Many have seen this issue as a choice between healthy people, clean water or the economy. By looking beyond federally mandated regulations, Governor Inslee has laid out a course that advances all three goals. This approach protects Washingtonians who eat large amounts of local fish, recognizes and responds to the changing face of toxic pollution in Washington, and confirms the need for predictability and certainty for permitted dischargers.