

# Welcome to the WQ Partnership

## Connecting to Audio

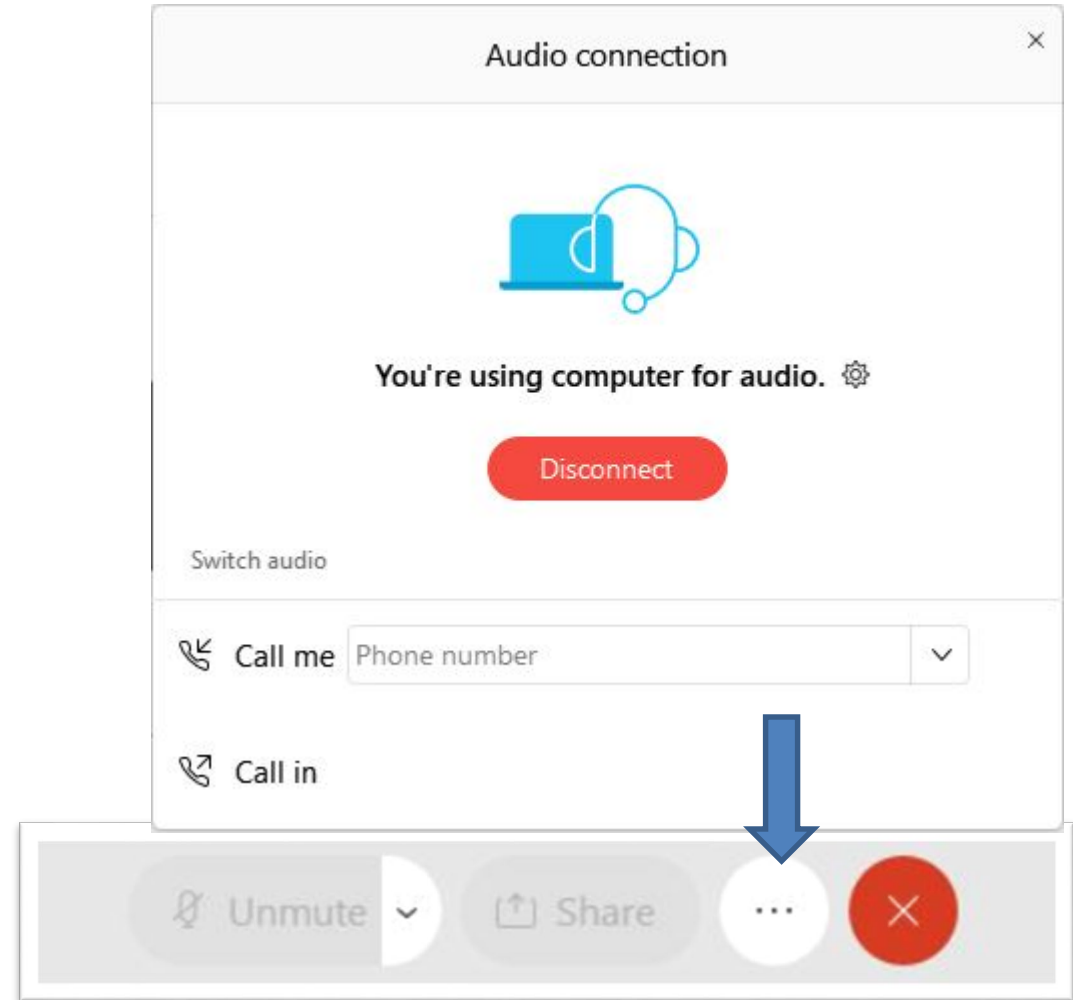
All lines are muted.

After joining the webinar, look for the 'Audio Connection' pop-up.

Join us by using either:

- Computer for audio
- Or Call into the webinar

Listen for periodic sound checks.



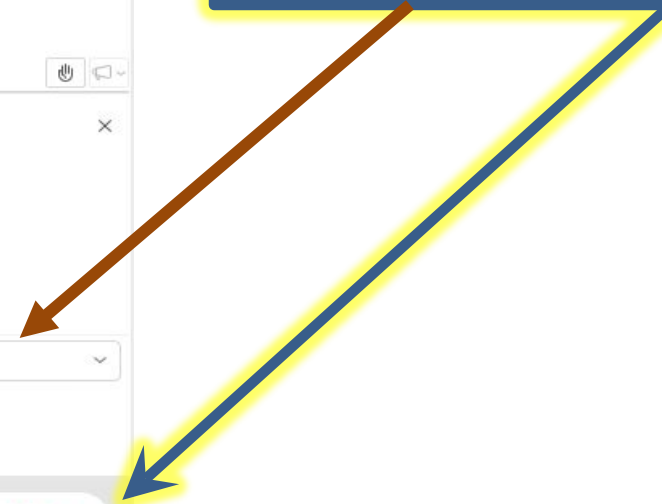
Technical difficulties? Use the chat box or email [Chanele.Holbrook@ecy.wa.gov](mailto:Chanele.Holbrook@ecy.wa.gov)

# HOW TO PARTICIPATE WITH CHAT

The screenshot shows the Cisco Webex Events interface. At the top, there's a menu bar with 'File', 'Edit', 'View', 'Audio & Video', 'Participant', 'Event', and 'Help'. Below the menu bar, the meeting title is 'Department of Ecology (Host)'. The main display area shows a large circle with the letters 'DE'. On the right side, there's a 'Participants (2)' panel with a search bar and a list of participants: 'Panelist: 1' (Department of Ecology, Host) and 'Attendee: 1 (1 displayed)' (Angie Fritz, Me). Below the participants panel is a 'Chat' panel with a 'To:' dropdown set to 'Host' and a text input field labeled 'Enter chat message here'. At the bottom, there's a toolbar with buttons for 'Unmute', 'Share', a red 'X' button, 'Participants', and 'Chat'.

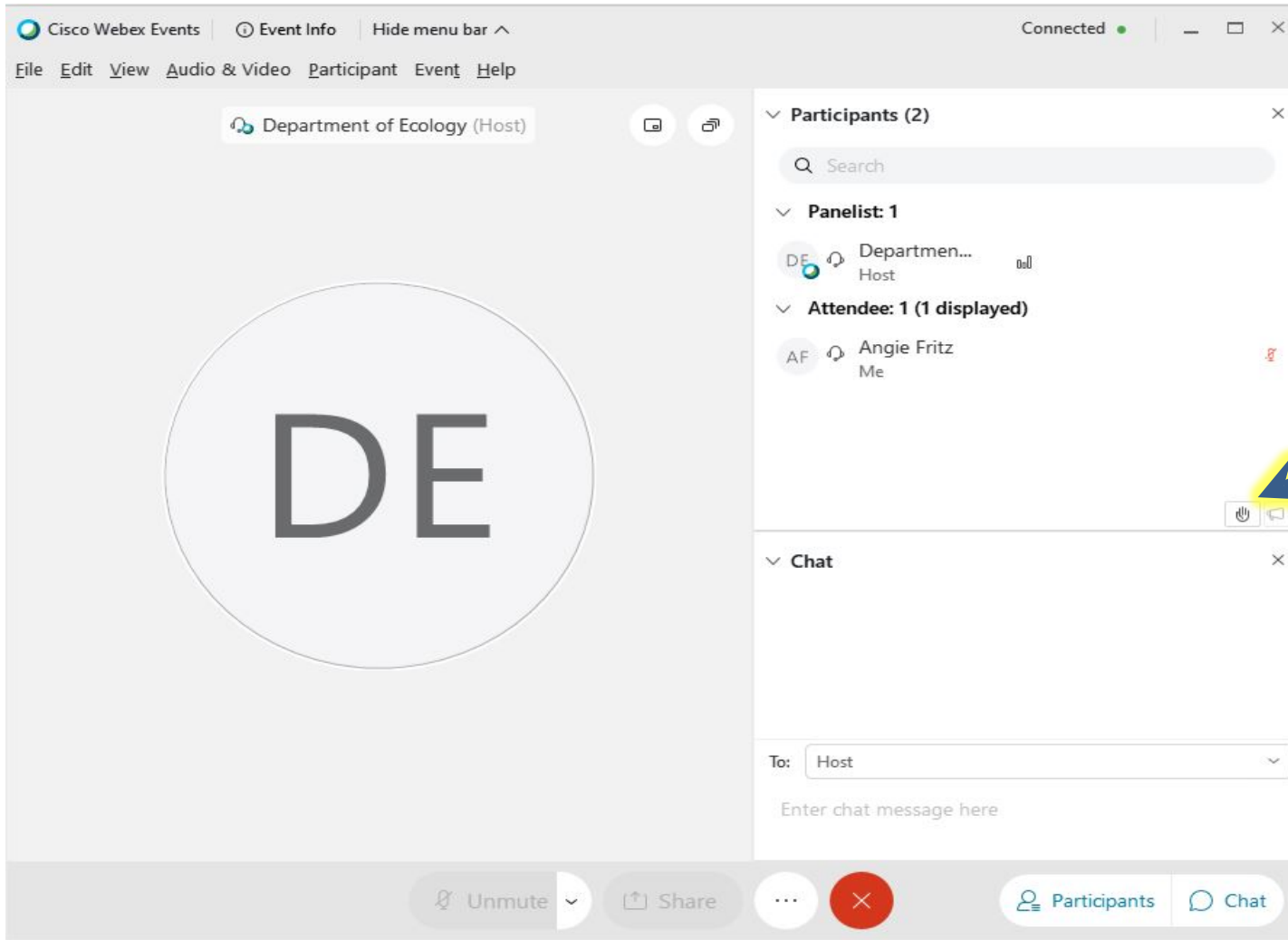
**CLICK ON THE CHAT SYMBOL  
TO OPEN**

**THEN SELECT ALL PANELIST**



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# RAISING YOUR HAND TO PARTICIPATE



CLICK ON THIS SYMBOL  
TO RAISE OR LOWER YOUR  
“HAND”



Technical difficulties? Use the chat box or email [Chanele.Holbrook@ecy.wa.gov](mailto:Chanele.Holbrook@ecy.wa.gov)

# Water Quality Partnership

## December 10, 2020

<b>Welcome - Introductions &amp; Program Updates</b>	Vince McGowan David Giglio	10:00 – 10:25
<b>Permit Fee Rulemaking</b>	Rebecca Pittman	10:25 – 10:45
<b>CWA 401 Certification Updates</b>	Angela Zeigenfuse	10:45 – 11:05
<b>Stormwater and Tires</b>	Jeff Killelea Emma Trew hitt	11:05 - 11:20
<b>General Permit Updates</b>	Jeff Killelea	11:20 – 11:30
<b>Watershed Management Updates</b>	Melissa Gildersleeve	11:30 – 11:45
<b>Roundtable</b>	All	11:45 – 11:55
<b>Wrap Up – Future agenda topics</b>	Vince McGowan	11:55 – 12:00





# Program Updates

## Vince McGowan & David Giglio







# WQ Permit Fee Rulemaking – CR102

## Rebecca Pittman

# Chapter 173-224 WAC Update

## Why

- Ecology updates every two years to fund permit program and make needed changes

## What

- Maintain fees at Fiscal Year 2021 rates
- New structure for Vessel Deconstruction GP to support its use
- New category for a new permit type: PS Nutrients GP
- Technical changes for clarity and transparency

## When

- Public Comment period started March 16 through May 4
- Public hearing webinar April 27 10:00 a.m.  
<https://watech.webex.com/watech/onstage/g.php?MTID=ec3beb4fbfef353f3322cf683a624f606>
- Rule adoption early June
- Effective July 2021 for Fiscal Year 2022 invoicing



Questions?

Contact:

**Ligeia Heagy, Rule Lead**

**[Ligeia.Heagy@ecy.wa.gov](mailto:Ligeia.Heagy@ecy.wa.gov)**







# NPDES 401 Updates

Jeff Killelea & Angela Zeigenfuse







DEPARTMENT OF  
**ECOLOGY**  
State of Washington

# Clean Water Act Section 401 Rule

## Angela Zeigenfuse

March 25, 2021

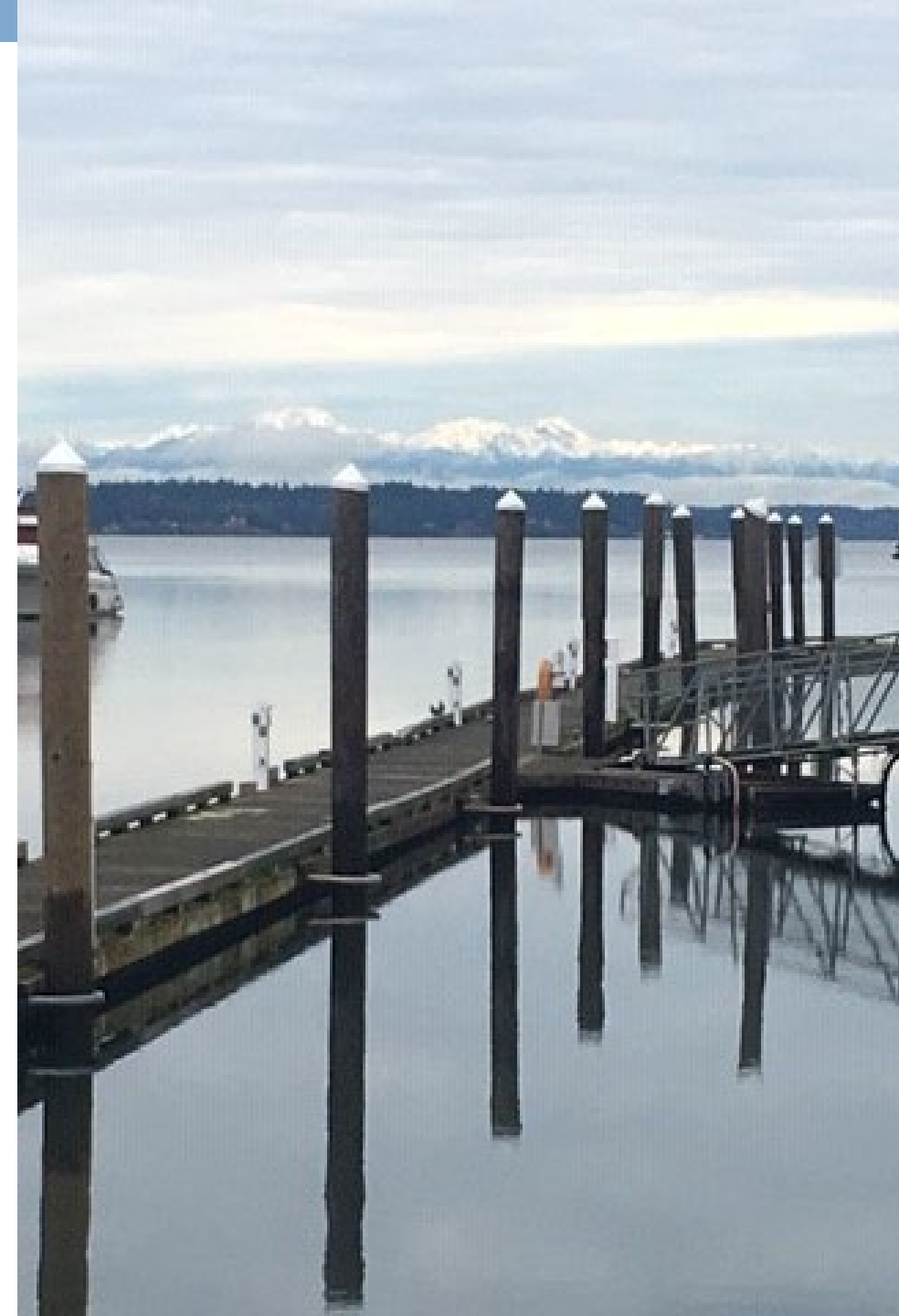


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# 101 to 401s

- What are 401 water quality certifications for NPDES permits?
  - Generally, Ecology certifies federal permits/licenses that may allow a discharge of pollutants that originates in our state (to waters of the US).
  - Certification approval or approval with condition(s) = we think that the permit will meet Washington's WQ standards.





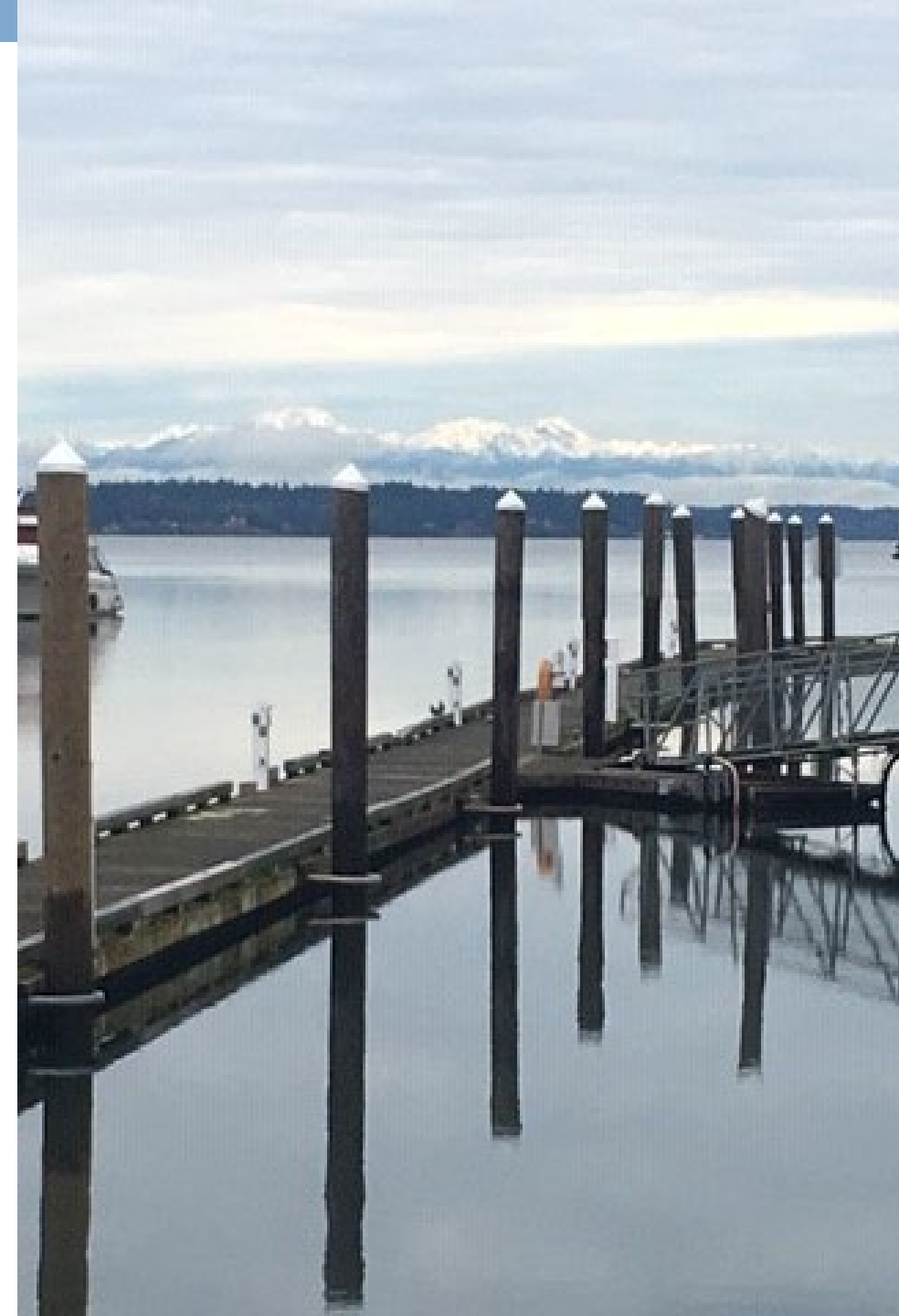
# 101 to 401s

- Why do we certify EPA's permits?
  - Ecology writes all NPDES permits except for those on federal or tribal land.
  - Our role is to ensure EPA's permits meet State WQ standards.
  - If we don't think EPA's permits will meet State WQ standards, we write WQ conditions in the certification that EPA incorporates into the final permits.



# 101 to 401s

- Clean Water Act Section 401 Rule
  - EPA must request certification from our state before issuing their NPDES permit.
  - This helps ensure consistency between federal and state permits in terms of water quality.
- Section 401 rule change initiated by Executive Order in 2019.





# 2020 Section 401 Rule

- Significant rewrite of Section 401--finalized in September
- Limits states' scope of review, what we can condition on, and other procedural requirements
- Other definitions were changed





# 2020 Section 401 Rule

- For the “project proponent”:
  - Submit pre-filing meeting request at least 30 days prior to the certification request (meetings not required).
  - After we receive a certification request, the request may be withdrawn by the project proponent.
  - If they would like to resubmit, this starts the process from the beginning.





# 2020 Section 401 Rule

- For the Federal Agency
  - Establish the “reasonable period of time” for how long we have to respond to the certification request—max. 1 year. **NPDES requests are still 60 days.**
  - Only reviewing compliance with procedural requirements, not whether a decision is within the scope of certification
  - Responsible for enforcing certification conditions
  - Notify neighboring jurisdictions, if applicable





# 2020 Section 401 Rule

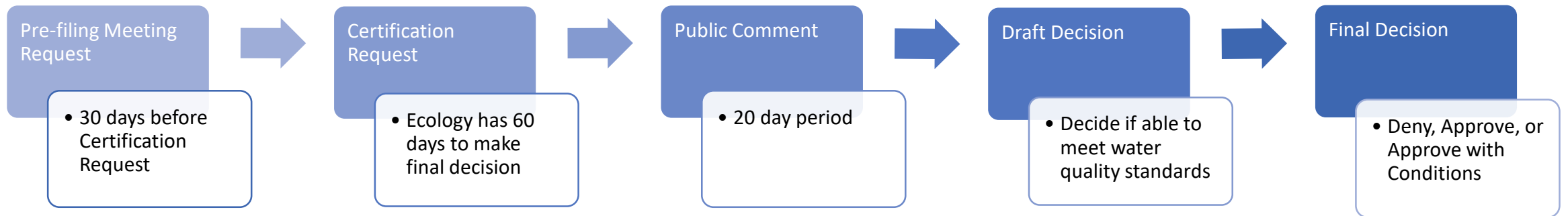
- For the certifying authority (Ecology):
  - Ecology can only condition on point source WQ discharges related to permitted/licensed activity.
  - We can no longer issue reopener clauses or modify certifications once they are issued.
  - Other new procedural requirements.







# 401 Certification Process





# News from the WQ program

- Recently Completed 401 Certifications:
  - 8 federal dams on lower Columbia and lower Snake (May 2020)
  - Navy Manchester Refueling Station (May 2020)
  - Multi-Sector General Permit (July 2020)
  - Suquamish WWTP Settlement Agreement (November 2020)
- In Progress 401 Certifications:
  - Tribal Enhancement and Federal Research Net Pens General Permit for Puget Sound
- Now offering Government-to-Government consultation

# Take Home Messages

- 401 certifications exist so states can ensure federal permits comply with state WQ standards.
- The 2020 401 Rule limits state authority.
  - Changes may come from active lawsuits challenging the rule and/or new administration, but no definitive news yet.
  - To be continued...
- WQ program is busy!
  - New process docs & procedures
  - New rule
  - Cross-program coordination



**Thank You!**

**Angela Zeigenfuse**

[Angela.Zeigenfuse@ecy.wa.gov](mailto:Angela.Zeigenfuse@ecy.wa.gov)

[ecology.wa.gov/401](http://ecology.wa.gov/401)





# Stormwater & Tire Research

## Emma Trehwitt







# General Permit Updates

## Jeff Killelea







# General Permit Fact Sheet display





# Watershed Management Updates

## Melissa Gildersleeve



# Watershed Management Section Updates

## Rulemaking

- 1. Chelan River Use Attainability Analysis**
  - **Out for public review today until May 21**
  - **Public Hearings – May 11 -1:30 & May 13- 5:30**
- 2. Salmon Spawning and Habitat**
  - **Delayed by couple of months**

# Watershed Management Section Updates

## Water Quality Assessment

- Just finishing Tribal and EPA review
- **Plan** to start public review beginning of April 2021
- Will hold a “how to” Webinar toward end of April
- 60 day comment period







# Wrap Up

## Vince McGowan

