



Photo credit: Thomas O'Keefe



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

# Introducing the Outstanding Resource Waters Rulemaking

Surface Water Quality Standards – Chapter 173-201A WAC

November 16, 2022



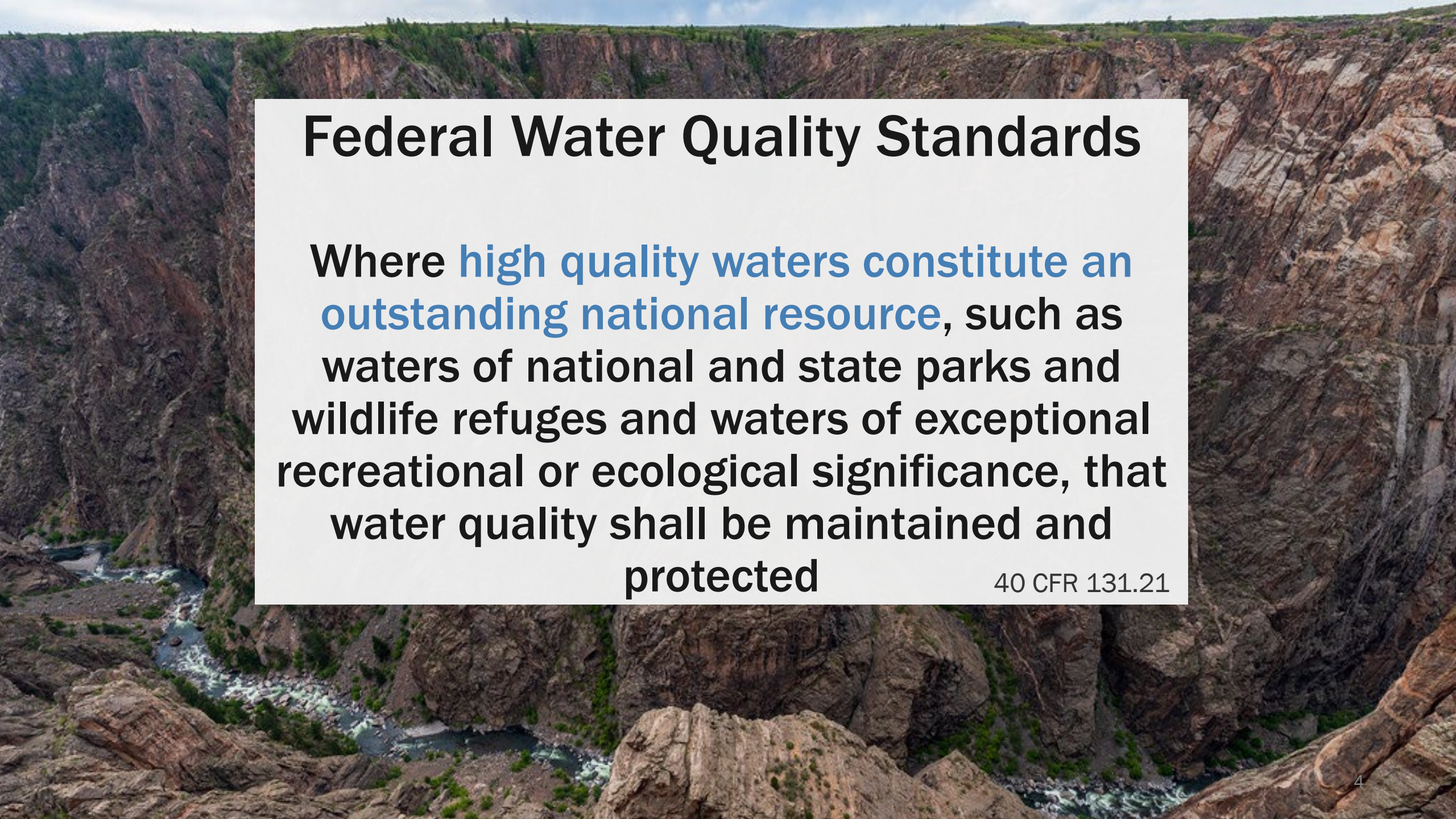


# Clean Water Act

The objective of this chapter is to restore and **maintain** the chemical, physical, and biological integrity of the Nation's waters

33 § 1251(a)



An aerial photograph of a deep, rugged canyon. The canyon walls are composed of dark, layered rock formations. A river flows through the bottom of the canyon, creating white rapids. The sky is overcast and grey.

# Federal Water Quality Standards

Where **high quality waters constitute an outstanding national resource**, such as waters of national and state parks and wildlife refuges and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected

40 CFR 131.21



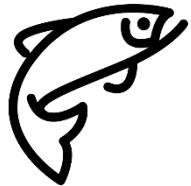
# Agenda

- 1 Core components of the water quality standards
- 2 Outstanding Resource Waters policy
- 3 Overview of nominations
- 4 Rulemaking schedule
- 5 Questions

# Water Quality Standards

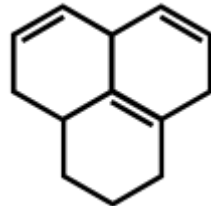
## Designated uses

Management goals for a waterbody



## Criteria

Water quality levels to protect uses



## Antidegradation

Restore and maintain highest possible water quality



## Implementation

Permits, 401 certifications, identifying impaired water, cleanup plans

# Antidegradation applies 3 levels of protection

- **Tier I** protects all existing and designated uses
- **Tier II** protects water that is better quality than the water quality criteria
- **Tier III** protects Outstanding Resource Waters



# Two options to protect an Outstanding Resource Water

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## Highest protection – Tier III(A)

- No further degradation, except in limited circumstances

## Second highest level of protection – Tier III(B)

- Allows minor degradation below measurable levels, but extra requirements to control pollution

# Limited exceptions to no degradation

- Short term maintenance
- To protect public health or property in an emergency
- Sources of pollution from the air



# Eligible outstanding resource waters

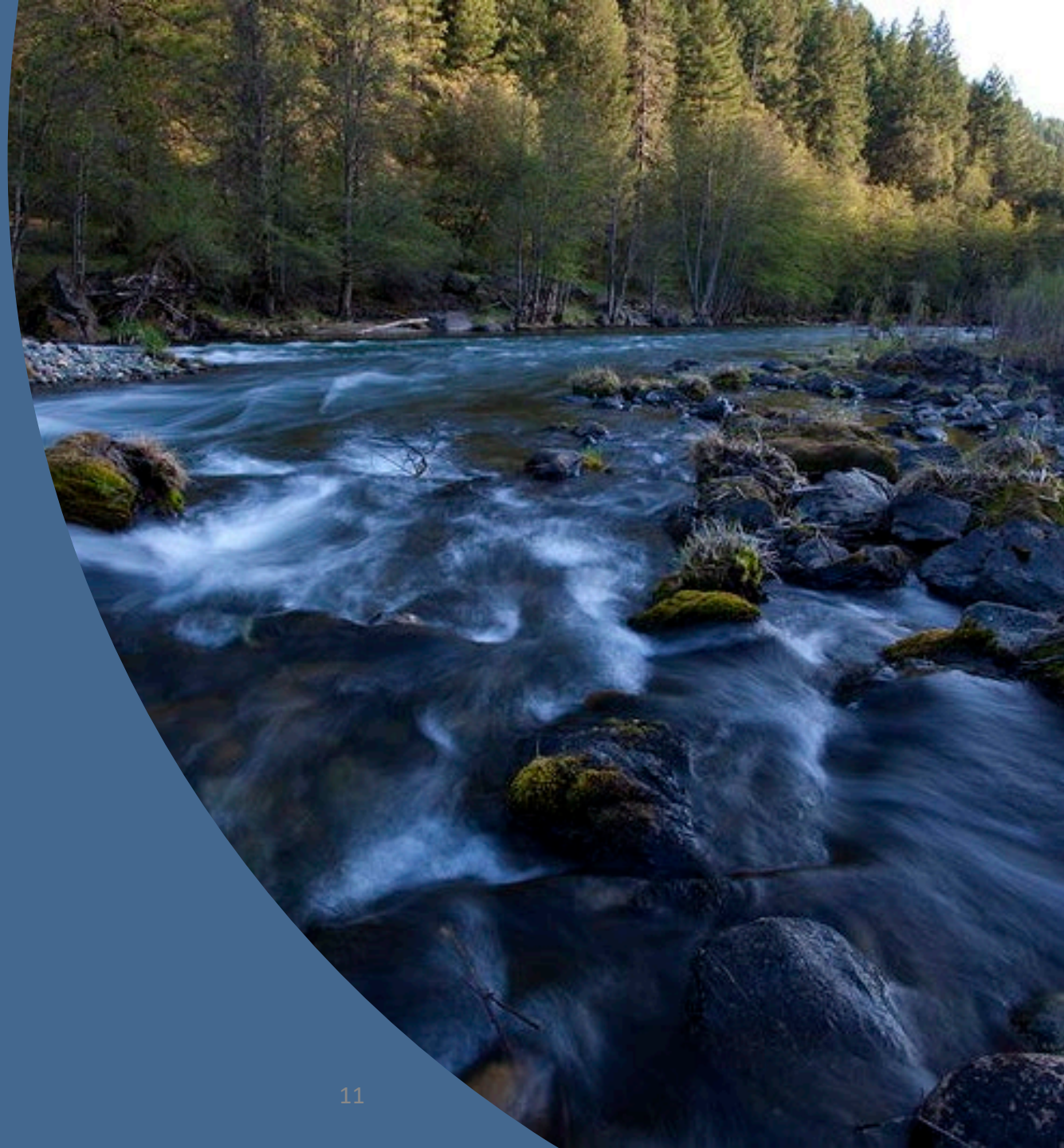
- Pristine conditions and in protected area
- Unique value or habitat types
- High water quality and unique recreational value
- Statewide ecological significance
- Cold water to protect aquatic life



# ORW Nominations

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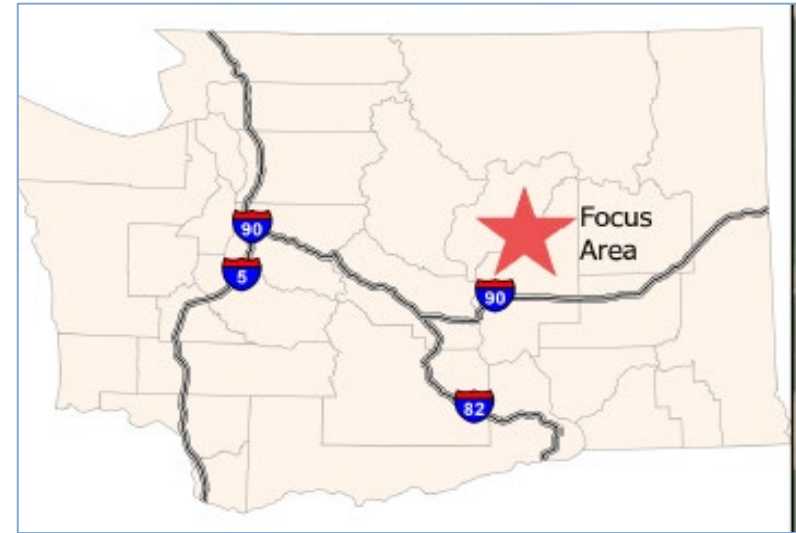
- Soap Lake
- Napeequa River
- Cascade River
- Green River





# Soap Lake

- Nominated by Soap Lake Conservancy and Confederated Tribes of the Colville Reservation
- City of Soap Lake – population ~1,700
- Mostly undeveloped outside city limits



# Outstanding values of Soap Lake

- Mineral-rich water
- Two layers of water that do not mix
- Bacteria only found in this lake
- Destination for healing nature of water





# Three nominated rivers

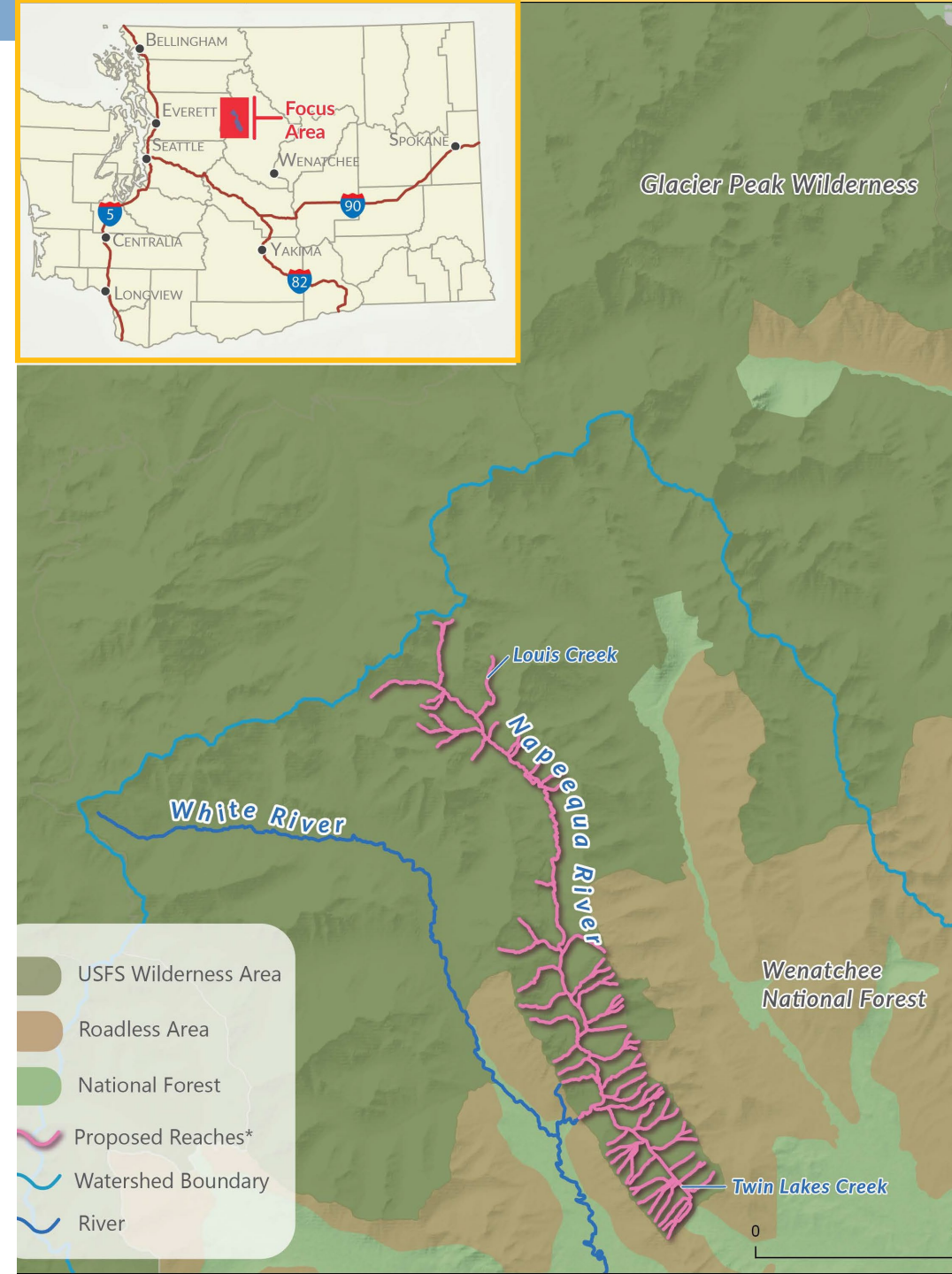
- Cascade River (Skagit County)
- Napeequa River (Chelan County)
- Green River (Lewis and Skamania counties)



# Napeequa River

## Land ownership

- US Forest Service - Glacier Peak Wilderness Area
- Excludes last mile of river that flows through private property





## Napeequa River outstanding values

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- Pristine and protected
- Accessible only by trail
- Spawning habitat for White River sockeye and threatened bull trout

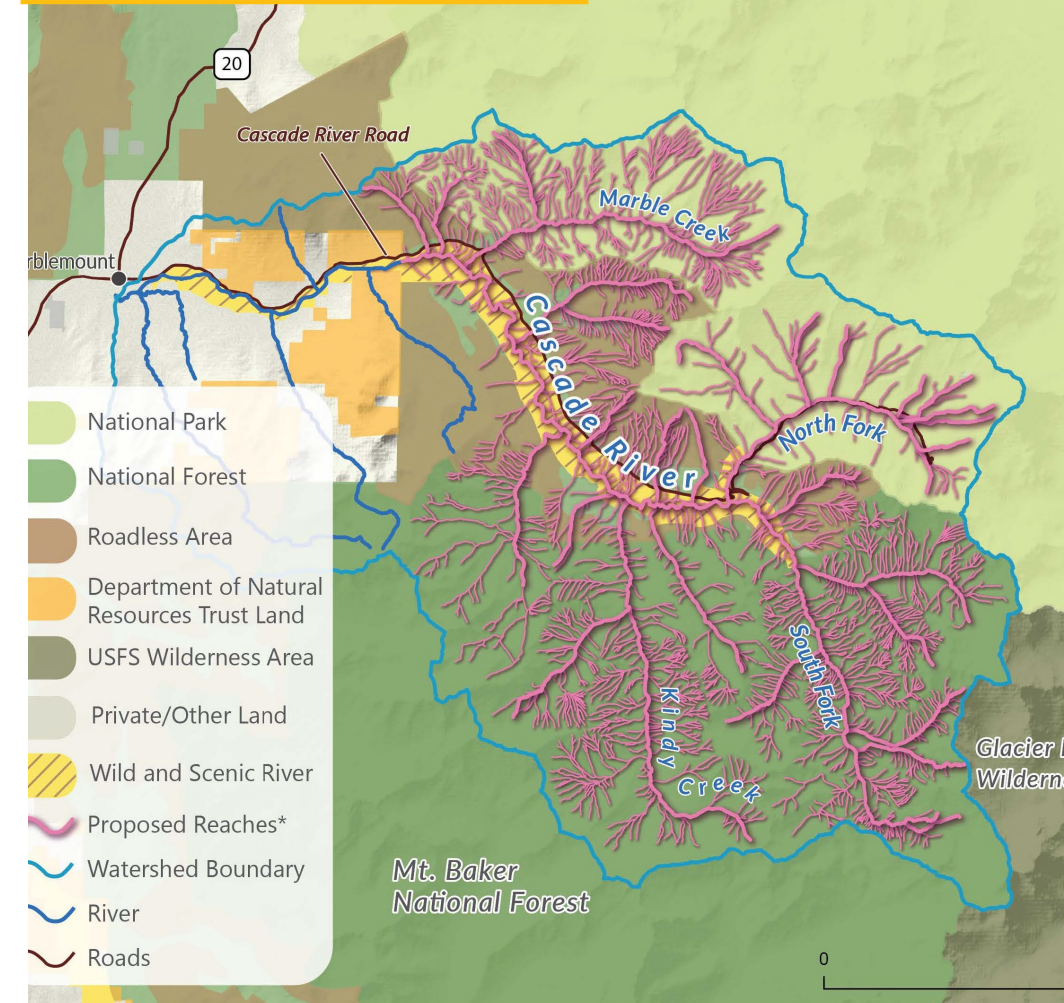
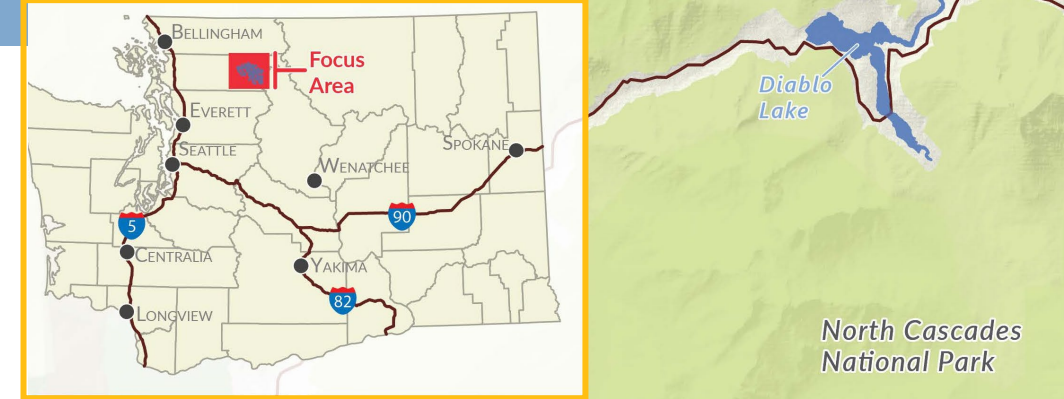




# Cascade River

## Land ownership

- US Forest Service and National Parks Service
  - North Cascades National Park
  - Glacier Peak Wilderness Area
  - Mt. Baker Snoqualmie National Forest
- Excludes lower part of river through Department of Natural Resources trust land and private land





## Cascade River outstanding values

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- Pristine and protected
- “Scenic” Wild and Scenic River
- Popular for kayaking and fishing
- Critical fish and wildlife habitat

Photo: Thomas O’Keefe

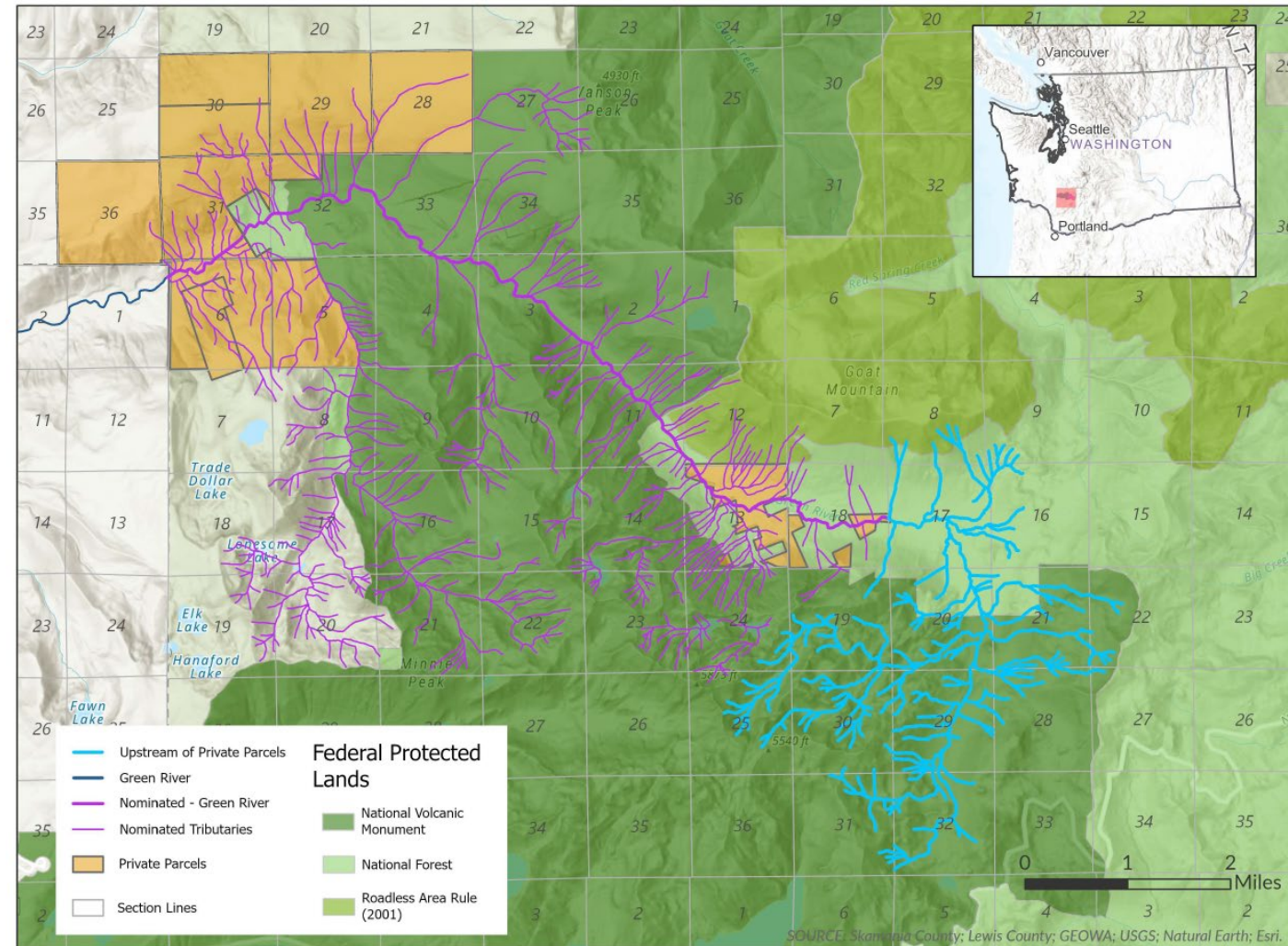




# Green River

## Land ownership

- Federal
  - Mount St. Helens National Volcanic Monument
  - Gifford Pinchot National Forest
- Nomination ends at boundary between federal and private land





## Green River outstanding values

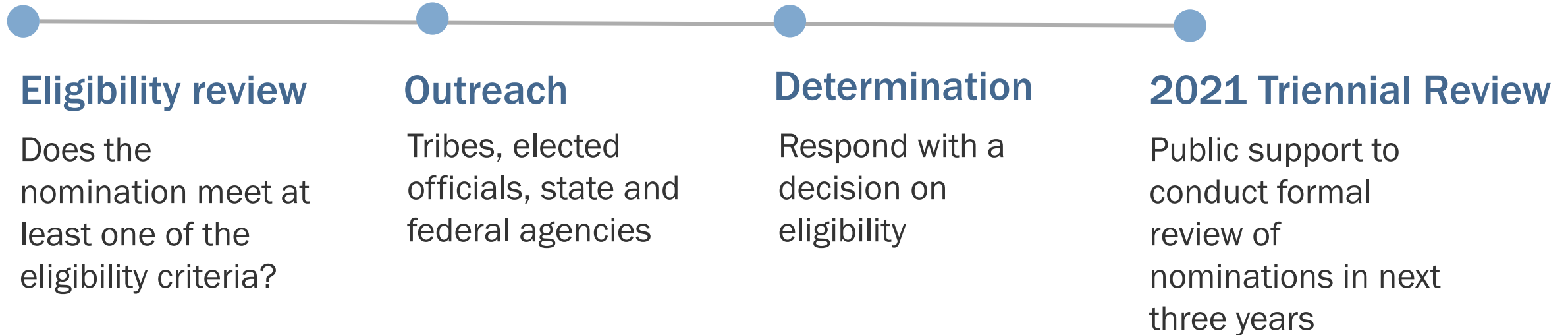
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- Unique landscape recovery after Mount St. Helens eruption
- Recreation opportunities through eruption zones

Photo: Thomas O'Keefe

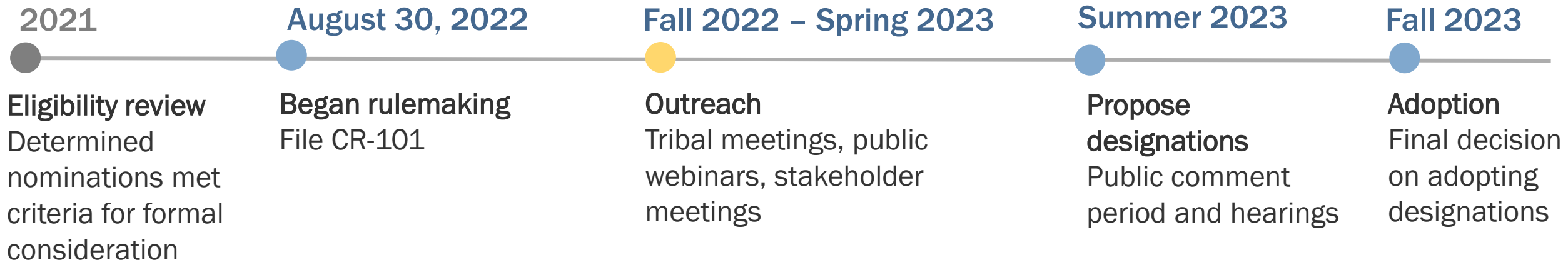
# Eligibility review process completed in 2021

Responded within 60 days of nominations with eligibility determination





# Rulemaking Timeline



# Where are in the process

- Gather more information about each waterbody
- Talk to stakeholders
- Gather informal feedback







# Thank You!

Marla Koberstein  
[marla.Koberstein@ecy.wa.gov](mailto:marla.Koberstein@ecy.wa.gov)