



Northwest Pulp & Paper  
ASSOCIATION

March 23, 2015

Cheryl Niemi  
Washington State Department of Ecology  
Water Quality Program  
P. O. Box 47600  
Olympia, WA 98504-7600

RE **Chapter 173-201A WAC**  
Water Quality Standards for Surface Waters of the State of Washington

Dear Ms. Niemi:

The Northwest Pulp & Paper Association (NWPPA) appreciates the opportunity to comment on the Department of Ecology's rulemaking on Washington's comprehensive revisions to the surface water quality standards for human health and accompanying implementation tools.

NWPPA is a 59 year-old regional trade association representing 13 member companies and 16 pulp and paper mills in Washington, Oregon and Idaho. NWPPA represents its members on regulatory and legislative issues with special emphasis on environmental and energy policy. NWPPA members produce over 8 million tons of paper products each year and provide approximately 12,000 predominantly union-backed jobs that pay an average of more than \$75,000 a year, plus benefits. As one of the largest members of Washington's forest products sector (including private forest lands, sawmills, furniture, wholesaling and ports), pulp and paper mills contribute to a total of approximately 40,000 direct jobs and 107,500 direct, indirect and induced jobs. Because many of our members are located in economically stressed rural communities, these family-wage manufacturing jobs help sustain the local economy, with each mill job supporting three to five additional jobs in the community.

Members of NWPPA own and operate pulp and/or paper facilities that are required to obtain water discharge permits under the Clean Water Act. NWPPA members have a direct interest in this rulemaking action because their water permits could potentially include limits calculated from the proposed water quality criteria.

Since the early 1980s, NWPPA and our members have participated extensively at the state-agency level and with EPA Region 10 in the development of water quality criteria in triennial review and other policy forums. NWPPA also engages in litigation in both state and federal courts on a number of water quality standard issues.

NWPPA and our members participated extensively with the Department in multiple policy forums on development of these water quality standards and implementation tools including different methods to derive human health numeric criteria and corresponding narrative criteria including risk management policies.

### **NWPPA COMMENT SUMMARY**

NWPPA believes the Department of Ecology's human health proposal is protective of Washington's most sensitive beneficial uses and is, *in total*, defensible under the federal Clean Water Act. NWPPA in general supports the Department's use of policy discretion to develop these proposed human health water quality criteria. The proposed criteria for most chemicals addressed in the rulemaking are significantly more stringent than the criteria currently applicable in Washington. The more stringent standards will undoubtedly impact NWPPA facilities as test methods and analytical methodologies become more sensitive in future permitting decisions.

NWPPA believes that the complete package, taken as a whole, makes logical sense but could be improved in several key areas and we make our comments in the spirit of improving the rule package making it both workable and defensible. NWPPA's statement of general support is not without concern with several highly conservative assumptions that Ecology makes in its risk management decisions. Our concerns also apply to a Washington rule package that contains both numeric criteria and comprehensive implementation tools being submitted to the Environmental Protection Agency for final approval. NWPPA also believes the implementation tools could be fine-tuned to expand their role in advancing water quality improvement in Washington.

These issues are noted in our attached comments along with our overarching concern that if Ecology were to revise its risk management decisions, it must carefully consider the cost benefit analysis of the rule and its implementation plan. More important, if Ecology reconsiders its risk management decisions, it must provide an explanation for adopting criteria that are more stringent than the current National Toxic Rule criteria and EPA guidance for deriving human health criteria.

NWPPA commends Ecology for engaging in a thorough and transparent process through public meetings, the public forum and delegate table process commenced in 2012. These efforts afforded everyone with an interest in this rulemaking an opportunity to understand the requirements of the Clean Water Act, the available technical and scientific data and

the basis for policy decisions made in developing the rule. Ecology amplified this process through its willingness to meet with stakeholders, the announcement of the Governor's policy direction in July 2014 and in the release of a preliminary draft rule in September 2014. Ecology has further complied with its obligations by setting forth the rationale for risk management decisions provided in the explanatory material accompanying the draft rule.

Thank you for the opportunity to comment on the proposed rule package. Please contact us with any questions at (360) 529-8638.

Sincerely,

A handwritten signature in black ink, appearing to read "Christian M. McCabe". The signature is fluid and cursive, with the first name "Christian" being the most prominent.

Christian M. McCabe, J.D.  
Executive Director

**Attachments**

NWPPA Written Comments and Compact Disk