



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000  
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

October 26, 2012

Mr. Andy Whitener  
Natural Resources Director  
Squaxin Island Tribe  
SE 2952 Old Olympic Hwy.  
Shelton, WA 98584

Dear Mr. Whitener:

Thank you for your response of October 11 regarding participation at the Key Delegate's Table in the Policy Forum we are establishing to help guide and inform our work on updating our water quality standards. In our current rulemaking, we will be developing new human health-based Water Quality Standards for toxics, which will include updating assumptions about how much fish Washingtonians eat.

I understand you are concerned about any delay in our efforts to update protections for fish consumers in our Sediment and Water Quality Standards. I assure you, we are moving expeditiously and I point to the following actions:

- In our Sediment Management Standards, we have proposed the *highest standard of* protection for fish consumers – reasonable maximum exposure. In response to requests from tribes, ports and others, we have extended the public comment period but still hope to have the rule adopted by the end of this year.
- We have assembled the science on national and regional fish consumption patterns to inform these decisions on a site specific basis and will have the technical support document finalized next month. This document, along with any new relevant studies that may become available, will also inform our work on human health criteria.
- I have delayed work on implementation and compliance tools for dischargers, as some have urged, to have this rule move concurrently with updating our Water Quality Standards.
- Perhaps most significantly, I have moved up our work on updating the Water Quality Standards human health criteria ahead of schedule. In September, Ecology began formal rulemaking activities to adopt new human health-based Water Quality Standards for toxics. The new standards will include a new fish consumption rate based on relevant regional data. This rule effort was identified in our triennial review process to be taken on next year, but we are moving that forward now.



Mr. Andy Whitener  
October 26, 2012  
Page 2

As you may know, there is much more to updating our Water Quality Standards than just adopting a fish consumption rate. Since we have been operating under EPA's National Toxic Rule, the task before us is to adopt a new section in our standards addressing human health criteria. This will include a fish consumption rate and other important public policy issues, such as which cancerous and non-cancerous chemicals the standards should address, decisions about exposure assumptions and the appropriate levels of public risk that are acceptable within the standards framework. The intent of the Policy Forum is to have an informed discussion and a mutual sharing of perspectives on these important public policy issues as we chart a path to genuine toxics reduction that continues to protect our fish consuming communities while providing achievable compliance pathways for dischargers. I am disappointed that you will not be part of the public dialogue on these complex and important policy decisions at this time.

I believe it is our responsibility to ensure that tribal communities are able to follow their traditions and culture, which includes a greater reliance on local fish and shellfish than that of the general population. Tribes reserved that right when they signed treaties ceding their lands to the United States. While treaties did not anticipate toxic contamination, it is our responsibility to ensure that fish are safe to eat at those higher levels of consumption. We are trying to address toxic threats to all of our communities in a meaningful and comprehensive way. Updating our standards is just one tool to get there.

We are interested in engaging in government-to-government consultation with the Squaxin Island Tribe at whatever point in this process you feel is appropriate. In addition, I hope your staff will follow our process on our website and through the open policy forums we will host. They can contact my staff at any time with questions or suggestions.

Sincerely,



Ted Sturdevant  
Director

cc: Dennis McLerran, EPA Region 10 Administrator  
Kelly Susewind, Ecology Water Quality Program Manager  
Jim Pendowski, Ecology Toxics Cleanup Program Manger

Mr. Andy Whitener  
October 26, 2012  
Page 3

bcc: Tom Laurie, Gildersleeve



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

*PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000*

*711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341*

