STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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October 30, 2012

Mr. Brett VandenHeuval
Executive Director
Columbia Riverkeeper

Mr. Matt Krogh
Project Manager
North Sound Baykeeper

Mr. Chris Wilke
Puget Soundkeeper and Executive Director
Puget Soundkeeper Alliance

Mr. Bart Mihailovich
Spokane Riverkeeper

Dear Messers. VandenHeuval, Krogh, Wilke and Mihailovich:

I was surprised and disappointed by your letter of October 12, stating that the Washington Waterkeepers has decided to not join the Delegates Table in the Policy Forum we are establishing to help guide and inform our work on updating our Water Quality Standards. This is quite a departure from our conversation on July 16, when via conference call, we specifically discussed our plans for completing the Sediment Management Standards rule work, finalizing the Technical Support Document, delaying the Water Quality Implementation Tools rule, while advancing work on updating the Water Quality Standards to include human health criteria. I understood your view at that time to be generally supportive of these steps. This letter, however, expresses an entirely different view supported by a number of inaccuracies that I must address.

Your letter accuses the Washington State Department of Ecology (Ecology) of delaying action on adopting new Water Quality Standards to address fish consumption rates. This is not true, as work on updating the Water Quality Standards human health criteria has been moved up, ahead of schedule. In September, Ecology began formal rulemaking activities to adopt new human health-based Water Quality Standards for toxics. This rule effort was identified in our triennial review process to be taken on next year, but we are moving that forward now.

You suggest that the Policy Forum is unneeded and will only add years of delay. This view ignores the real work ahead of us. 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 not only a fish consumption rate, but other vital public policy issues as well, 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.

Your letter also accuses us of having a "broken process" and of making "hollow promises". Frankly, I'm not sure what you are referring to. We are dealing with complex regulations with far reaching implications. Nobody promised that this would be easy, yet we have made considerable progress and are moving ahead on course.

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. Also, we have nearly completed the challenging task of assembling 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. As noted earlier, I have also moved up our work on updating the Water Quality Standards human health criteria ahead of schedule, while delaying work on implementation and compliance tools, much as you have urged, to have them move concurrently.

Water Quality Standards are a critical piece to addressing toxic threats in our environment, but they are just one tool and address limited aspects of toxic pollution. We are also working in many other areas to address toxic pollution. I am proud of our efforts to combat such pollution and I would put our work and innovation in this area up against any state in the nation.

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 realistic compliance pathways for dischargers. It is unfortunate that your perspectives will not be represented in this part of the process.

Sincerely,

Ted Sturdevant
Director

cc: Dennis McLerran, EPA, Region 10 Administrator
Mike Bussell, EPA, Region 10
Christine Psyk, EPA, Region 10
Angela Chung, EPA, Region 10
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Kelly Susewind, Ecology
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