UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

JAN 17 2013

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DEPARTMENT OF ECOLOGY
OFFICE OF DIRECTOR

The Honorable David Lopeman
Chairman, Squaxin Island Tribe
10 SE Squaxin Lane
Shelton, Washington 98584

Dear Chairman Lopeman:

Thank you for your follow-up letter dated December 13, 2012, which expresses your continued frustration with the Washington Department of Ecology's rulemaking process to revise its human health toxics water quality criteria by updating the default fish consumption rate. Your letter also requests government-to-government consultation with the U.S. Environmental Protection Agency to further discuss the EPA's role in developing Washington water quality toxics criteria that are protective of tribal fish and shellfish consumers.

As we discussed during the meeting on November 15, the EPA is committed to seeing the adoption of human health water quality criteria that reflect an appropriate FCR for Washington's waters. I recognize that the meeting with other tribes and Ecology was not a substitute for government-to-government consultation and apologize if you received the impression that the EPA was unwilling to consult with the Tribe. My intent was to encourage your participation in the joint tribal meeting with Ecology since many of the tribes have expressed similar concerns with Ecology's rulemaking process.

My staff will be contacting your office to schedule a government-to-government consultation meeting on this matter. I have asked Dan Opalski, the EPA's Director for the Office of Water and Watersheds, to represent me at this meeting. To clarify, my understanding is that the Tribe is requesting consultation on the EPA's decision to not initiate at this time a federal rulemaking that could update Ecology's default fish consumption rate and revise the associated human health water quality criteria as a federal action. If you have further questions or clarifications on the meeting purpose, please contact Angela Chung, the EPA's Water Quality Standards Unit Manager, at (206) 553-6511. We look forward to continuing the dialogue on this important issue.

Sincerely,

Dennis J. McLerran
Regional Administrator

cc: Mr. Ted Sturdevant, Director
Washington State Department of Ecology