



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

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OFFICE OF  
WATER AND  
WATERSHEDS

AUG 19 2013

The Honorable Doc Hastings  
House of Representatives  
1203 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Hastings:

Thank you for your letter dated July 26, 2013, regarding the U.S. Environmental Protection Agency's involvement in the efforts underway by state agencies in Washington and Idaho to develop protective Clean Water Act human health criteria for toxic pollutants. Specifically, your letter requests that the EPA allow states to proceed with their rulemaking processes without interference from the EPA.

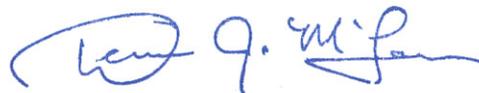
The EPA has a strong preference to support states in their development of water quality standards that are protective of designated uses rather than to develop standards at the national level. As noted in your letter, while states are responsible for adopting protective water quality standards, ultimately, the EPA has the responsibility to review those standards for approval or disapproval and to ensure that water quality criteria are based on a sound scientific rationale consistent with the Clean Water Act and associated EPA regulations. As a general matter, the EPA is often involved in a state's rulemaking process to develop water quality standards and asked by the states to provide feedback on various options being considered. This involvement and early sharing of ideas helps facilitate the EPA's CWA review once an adopted state rule is submitted to the EPA for approval or disapproval.

The EPA has been working in collaboration with Washington and Idaho as they move forward with their human health criteria rulemaking processes while considering available sound scientific data. The EPA is supportive of having the states complete their respective processes to develop protective human health water quality criteria. At the same time, the EPA believes it is important to share our perspectives during the rulemaking process and the public meetings that support that process. Our goal is not to dictate a particular outcome or to circumvent the states' public processes. Instead, our role is to help the State develop criteria that meet the requirements of federal law. For example, the Clean Water Act, and the EPA's implementing guidance and regulations, require a state human health criteria submittal to adequately address available scientifically sound regional and local data that clearly document higher fish and shellfish consumption in the Pacific Northwest. In addition, we believe a public conversation about how to protect the residents in a given state is important, particularly when there may be inequities in the level of protection certain population groups may receive, as well as consideration of how to ensure that downstream waters will be protected.

The EPA's role in participating in the state rulemaking processes is to be transparent and clear about the issues that need to be addressed in a submittal for CWA review. We hope to continue

to provide support to the states and responses to their information requests or the requests of interested parties involved in the states' rulemaking processes. If you would like to discuss these issues further, please contact me or have your staff contact Dan Opalski, Director of the Region 10 Office of Water and Watersheds, at (206) 553-1855.

Sincerely,



Dennis J. McLerran  
Regional Administrator

cc: Ms. Maia Bellon, Director  
Washington Department of Ecology