

Congress of the United States
House of Representatives
Washington, DC 20515-4704

October 7, 2015

The Honorable Gina McCarthy
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator McCarthy:

We are greatly troubled by the continued actions of the Environmental Protection Agency (EPA) towards the State of Washington in its process to develop its own water quality standards as established by the Clean Water Act (CWA). We are specifically concerned that EPA has now formally proposed to impose federal Human Health Water Quality Criteria (HHWQC) on the State via regulation. This is just the latest in a series of efforts by EPA to force Washington State into adopting standards that go well beyond what is required for states under the CWA, and ignores the primary and long-standing role states have in developing water quality standards established under the statute.

Almost two years ago, several Members of Congress wrote to you to express their concern with EPA Region 10's interference in the CWA water quality standards development process then underway in the states of Washington and Idaho. Since that time, Washington State has continued with its deliberative and open stakeholder processes to develop the HHWQC. To date, that process resulted in the Department of Ecology's proposed comprehensive package of HHWQC, as well as other measures intended to reduce risks and protect human health. While Washington stakeholders have been involved in the process, which resulted in a rigorous, stringent standard, EPA has short circuited that process by proposing to impose even more restrictive criteria. These actions highlight the fact that EPA is attempting to pressure Washington into adopting criteria that are more burdensome and rigid than even the state's original proposal, which the Washington State Department of Ecology withdrew from consideration earlier this summer after being notified by EPA that the proposal was inadequate.

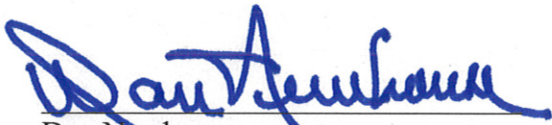
EPA has consistently ignored its existing guidance and made clear that the Agency will disapprove Washington's HHWQC unless the state uses extremely conservative cancer risk levels and fish consumption rates in the development of the HHWQC. Additionally, EPA's actions have the potential to set an adverse national precedent, as the logic it is using to ignore its existing policy could be applied in many other states.

EPA's proposed criteria are calculated in a manner that would be even more stringent than the unachievable ones previously adopted by Oregon, which was the first state in the region to adopt EPA's preferred HHWQC as a result of EPA pressure. In late 2013, a coalition

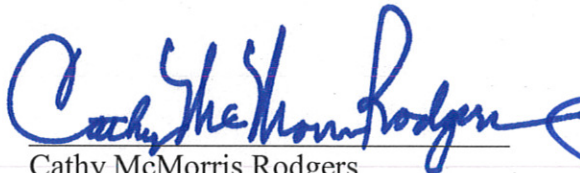
comprised of Washington industry, municipalities, and counties released a study demonstrating that if Oregon's standards were applied in Washington State, even with the most advanced technology available, facilities would not be able to meet the resulting CWA permit limits – and would potentially cost billions of dollars – all with little human health benefit.

We expect EPA to allow the State of Washington and other states to complete their work developing protective and achievable HHWQC. We urge EPA to withdraw the proposed federal rule and let Washington determine the appropriate course of action to adopt its own human health water quality standards, as contemplated by the CWA.

Sincerely,


Dan Newhouse
Member of Congress


Jaime Herrera Beutler
Member of Congress


Cathy McMorris Rodgers
Member of Congress


Dave Reichert
Member of Congress

CC:

Dennis McLerran, EPA Regional Administrator, Region 10
The Honorable Jay Inslee, Governor, State of Washington