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December 17, 2010

Washington Department of Ecology  
Surface Water Quality Standards  
Attn: Becca Conklin, Coordinator  
P.O. Box 47600  
Olympia, WA 98504-7600

*Via Email to [swqs@ecy.wa.gov](mailto:swqs@ecy.wa.gov)*

**RE: Washington State 2010 Triennial Review of Water Quality Standards; Scope of Review; Human Health Toxics Criteria.**

Dear Ms. Conklin,

Columbia Riverkeeper appreciates the opportunity to comment on Washington's Triennial Review. Our organization is deeply invested in clean water, strong salmon runs, and healthy communities. Columbia Riverkeeper represents over 3,000 members in Oregon and Washington and regularly comments on federal, state, and local decisions that impact the Columbia. Columbia Riverkeeper submitted detailed comments on the Triennial Review as part of a group of organizations that joined comments submitted by the Northwest Environmental Advocates. We submit the following comments on Washington's human health criteria for toxics based on the importance of accurate, updated, and comprehensive water quality standards for toxics.

Simply put, Washington State must review and adopt new human health criteria for toxics. The case for adopting new, protective human health criteria has been building in Oregon for over a decade. Oregon is on track to adopt new human health criteria in 2011. The scientific basis for adopting new human health criteria is clear: the current standard fails to protect many Washingtonians, particularly tribal members, who eat more than 6.5 grams of fish—less than a cracker sized piece of fish—per day. Washington's decision to wait in the wings can no longer be justified. We call on the State to promptly move forward with developing new human health criteria for toxics. In this effort, we encourage Ecology to work closely with the many Washington tribes who are leading the effort to promote more protective human health criteria.

In October 2008, Oregon's Environmental Quality Commission ("EQC") directed the Department of Environmental Quality ("DEQ") to revise the human criteria for toxics based on a fish consumption rate of 175 grams per day. As Ecology is aware, the EQC based its decision on overwhelming evidence demonstrating that many Oregonians, particularly tribal members who eat Columbia River fish, ate significantly more fish than the current toxic criteria assumed. Shortly thereafter, DEQ convened a rulemaking workgroup, which included members from the

Confederated Tribes of the Umatilla Indian Reservation, industry, municipalities, and the conservation community. Columbia Riverkeeper participated as a workgroup member for the last two years. DEQ tasked the workgroup with reviewing and proposing “implementation tools” for the new criteria. The workgroup’s experience and work product will undoubtedly assist Washington State’s efforts to revise the outdated human health criteria for toxics.

Since the last Triennial Review, the U.S. Environmental Protection Agency (“EPA”) released an in-depth report on toxic pollution in the Columbia, the *Columbia River Basin: State of River Report for Toxics*.<sup>1</sup> The report highlights the widespread problem of toxic pollution in the Columbia’s fish, wildlife, sediment, and water. The status quo approach to regulating toxic pollution is not working. Clearly, water quality standards are not a panacea to address the serious problem of toxic pollution in the Columbia and other waterbodies in Washington. However, water quality standards are the starting point for determining what level of protectiveness our state will strive toward. After participating in the toxics rulemaking process in Oregon, we believe that the time is ripe for Washington to revisit its significantly under protective fish consumption rate and revise the human health criteria for toxics.

Against the backdrop of EPA’s recent action on Oregon’s 2004 toxics criteria, Columbia Riverkeeper urges Washington State to promptly undertake a revision to its outdated, under protective human health criteria for toxics. Thank you in advance for considering Columbia Riverkeeper’s input on Washington State’s Triennial Review. We stand ready to assist Washington in taking this important step toward protecting human health and reducing toxic pollution in our state’s great rivers, lakes, streams, and Puget Sound.

Sincerely,



Brett VandenHeuvel  
Executive Director  
Columbia Riverkeeper

cc:

Northwest Indian Fisheries Commission  
U.S. EPA Region 10

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<sup>1</sup>*Columbia River Basin State of River Report for Toxics*, Environmental Protection Agency, Region 10 (January 2009), available online at: <http://yosemite.epa.gov/r10/ecocomm.nsf/Columbia/SoRR/>.