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**Adam Krantz**

December 22, 2015

Attn: Docket ID No. EPA-HQ-OW-2015-0174  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460

RE: NACWA Comments on EPA's Proposed *Revision of Certain Federal Water Quality Criteria Applicable to Washington*, Docket ID No. EPA-HQ-OW-2015-0174

Dear Sir or Madam:

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on the U.S. Environmental Protection Agency's (EPA) proposed *Revision of Certain Federal Water Quality Criteria Applicable to Washington* (80 Fed. Reg. 55063; September 14, 2015). NACWA represents the interests of more than 280 public wastewater treatment agencies across the country, including 10 in Washington. NACWA's members in Washington are committed to improving the water quality of the region and doing so with the most efficient and effective investment of their ratepayers' resources.

Over the past two years the Washington State Department of Ecology (Ecology) has conducted an extensive public engagement process to craft a proposal that it believed would strike the appropriate balance between environmental and human health protection and the economic impact those protective actions would have on residents and businesses in the state. Washington's integrated approach sought to address exposures from both point and nonpoint sources of pollution, providing more comprehensive protection than afforded by the Clean Water Act.

As it crafted its human health criteria (HHC), Ecology worked to ensure that its proposal would be consistent with federal policy, but also provide sufficient flexibility. The state accomplished much of what it set out to do, but EPA disagreed with key policy and risk decisions Ecology made and chose to inappropriately pressure the state into abandoning its initial proposal. Following through on its threat of federal promulgation, EPA gave the state no choice but to amend its proposal to EPA's liking. These heavy-handed actions by EPA fly in the face of the basic principles of cooperative federalism. But now that Ecology has agreed to make

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its proposal more “fully reflect” EPA’s policy preferences (to use EPA Region 10’s term from its earlier letter on Ecology’s proposal), EPA should step aside, withdraw its proposed revisions, and allow the state to take the lead on a new proposal as intended by the Clean Water Act (CWA).

EPA’s actions in Washington are just the latest in the Agency’s ongoing efforts in Region 10 to ensure that Oregon, Washington, and most likely Idaho in the near future, have nearly identical criteria that mirror the federal government’s policy and risk preferences. EPA’s tactics of influence and intimidation are inconsistent with the CWA’s cooperative federalism foundation and history that provides the states the responsibility for developing and approving water quality standards. In the case of Washington, where the state has already agreed to follow EPA’s policy preferences, the state must now be allowed to exercise its CWA responsibilities and develop a final HHC package without the threat or aggressive timetable of a federal rulemaking looming overhead.

Again, NACWA requests that EPA withdraw its proposed rule in its entirety. Alternatively, EPA should officially put the rulemaking on hold and instead work collaboratively with the state to provide assistance and guidance to ensure the state’s rulemaking effort can proceed without the added confusion of an ongoing federal rulemaking process.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Hornback", written in a cursive style.

Chris Hornback  
Chief Technical Officer