To: Shapiro, Mike[Shapiro.Mike@epa.gov]
Cc: Hisel-Mccoy, Sara[Hisel-McCoy.Sara@epa.gov]; Buffo, Corey[Buffo.Corey@epa.gov]; Fleisig, Erica[Fleisig.Erica@epa.gov]; Christensen, Christina[Christensen.Christina@epa.gov]
From: Southerland, Elizabeth
Sent: Mon 4/24/2017 12:46:44 PM
Subject: Washington's Human Health Criteria for Toxics
Overview WA HHC_4 23 2017_redline.docx
Overview WA HHC_4 23 2017.docx

Mike, we discuss your comments below and also provide an attachment with clean copy and redline copy.

1st comment from Mike on the 3rd bullet where we introduce 175 g/day:

Isn't this the number for subsistence or sustenance fish consumers? Let's add that qualification.

Response:

This isn't exactly the number for all subsistence consumers in WA, but we added this qualifier (noted here in red):

The results of those surveys showed that 175 g/day was a more realistic fish consumption rate (FCR) for fish consumers in Washington, including certain subsistence consumers, and thus a better estimate of pollutant exposure to use when calculating HHC.

2nd comment from Mike in response to the photos:

Pictures like this can get some laughs, but they are fundamentally misleading, since, as we know, the real driver in the calculation is the frequency of fish consumption, not the quantity on the plate. So let's delete these photos from the paper.

Response:

We deleted the photos but want to make sure you know that the tribes have documentation that shows the 175 g/day is actually a low estimate of their consumption of salmon and other fish as their main source of protein throughout the year. The tribes in both WA and OR compromised on 175 g/day even though surveys show much higher consumption rates. EPA approved a fish consumption rate of over 800 g/day for the Spokane Tribe's wqs based on actual survey data. The photos were included because most of us infrequent fish eating people don't know what 6.5 g/day or 175 g/day looks like.

3rd comment from Mike on the bullets below the photos:

Explain why we disagreed with the Washington numbers. It's my understanding that it had nothing to do with the fish consumption rates, which makes me wonder why that issue is even discussed in the first few paragraphs.

Response:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process We added the following new bullet and expanded on the existing bullet below the photos (changes noted in red):

•□□□□□□□□ While Washington and EPA agreed that the HHC should be based on a FCR of 175 g/day and a cancer risk level of 1 in 1 million (10^{-6}), Washington did not use the most recent science on bioaccumulation and did not adequately account for other sources of exposure when developing its HHC.

•□□□□□□□□ On November 15, 2016, in accordance with a court order, EPA approved 45 of Washington's HHC, and promulgated 144 additional HHC for Washington. Where Washington's criteria were as stringent as or more stringent than criteria that EPA determined would be protective of the state's uses and scientifically defensible, using appropriate inputs, EPA approved those HHC. EPA disapproved the other HHC in Washington's submittal as they were not based on sound science and not sufficiently protective of the applicable uses, and EPA promulgated a final rule for those HHC. EPA also approved Washington's revisions to its variance and compliance schedule implementation tools, which give the state and affected industries and municipalities needed flexibility and time to implement the revised HHC while making reasonable progress in improving water quality.

Finally, for the 2nd bullet under criteria implementation, R10 asked to revise the following:

From, "Rather, states implement these criteria by requiring pollutant concentrations beyond allowable mixing zones to be undetectable by current approved analytical methods."

To, "Rather, permit authorities implement these criteria by setting the compliance level equal to the detection limit of current approved analytical methods."

From: Shapiro, Mike
Sent: Thursday, April 20, 2017 11:10:22 PM
To: Southerland, Elizabeth; Best-Wong, Benita
Cc: Fleisig, Erica; Buffo, Corey; Washington, Evelyn; Christensen, Christina

Subject: RE: Washington's Human Health Criteria for Toxics

Betsy,

Thanks, I had a few comments on the attached markup.

Mike

Michael Shapiro

Acting Assistant Administrator, Office of Water

US EPA, 4101M

1200 Pennsylvania Ave., NW

Washington, DC 20460

202-564-5700

From: Southerland, Elizabeth
Sent: Thursday, April 20, 2017 1:37 PM
To: Best-Wong, Benita <Best-Wong.Benita@epa.gov>
Cc: Shapiro, Mike <Shapiro.Mike@epa.gov>; Fleisig, Erica <Fleisig.Erica@epa.gov>; Buffo, Corey <Buffo.Corey@epa.gov>; Washington, Evelyn <Washington.Evelyn@epa.gov>; Christensen, Christina <Christensen.Christina@epa.gov>
Subject: Washington's Human Health Criteria for Toxics

The attachment summarizes the rule, the petitions, and a specific issue on the Spokane River. Let us know if Sarah needs additional information or would like a briefing.

From: Best-Wong, Benita
Sent: Wednesday, April 19, 2017 3:34 PM
To: Southerland, Elizabeth <Southerland.Elizabeth@epa.gov>
Cc: Shapiro, Mike <Shapiro.Mike@epa.gov>
Subject: Fwd: Washington's Human Health Criteria for Toxics

See request below from Sarah. Do you have something readily available that we can provide to her.

Sent from my iPhone

Begin forwarded message:

> **From:** "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>
> **Date:** April 19, 2017 at 1:06:39 PM EDT
> **To:** "Shapiro, Mike" <Shapiro.Mike@epa.gov>, "Best-Wong, Benita" <Best-Wong.Benita@epa.gov>
> **Cc:** "Bennett, Tate" <Bennett.Tate@epa.gov>
> **Subject: Washington's Human Health Criteria for Toxics**
>
> Mike and Benita,
>
> Would you please provide some materials on the above and the surrounding controversies?
>
> Thanks!
>
> **Sarah A. Greenwalt**
>
> Senior Advisor to the Administrator
>
> for Water and Cross-Cutting Issues
>
> U.S. Environmental Protection Agency

Work: 202-564-1722|Cell: Ex. 6 - Personal Privacy

Greenwalt.Sarah@epa.gov