Message

From: Adm13McCarthy, Gina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FAC40CDDD879450DAEC9B6BB85C68B58-ADM13MCCART]
Sent: 8/22/2016 11:50:17 AM
To: McLerran, Dennis [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0acf3804188e4d519d59d67b82eda2ef-McLerran, Dennis J.]
CC: Beauvais, Joel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=088a99c4b0f04e2aa5784349bccf7b95-Beauvais, Joel]; Fritz, Matthew [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0593db850724461799cb78eacbd5e461-Fritz, Matthew]; Opalski, Dan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8b5ed6410d934bf699a008a252791a55-Opalski, Dan]; Pirzadeh, Michelle [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2ae309e0a52a42cd847709b39bc2239a-Pirzadeh, Michelle]; Holsman, Marianne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=332ee5ed102f4f65841285a4c06ea8b2-Holsman, Marianne]; Dunbar, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=133b66d6ab1b42108751e37b28176ec3-Dunbar, Bill (William) D.]
Subject: Re: ID Arsenic Heads Up Note

Thanks Dennis.

Sent from my iPhone

On Aug 22, 2016, at 1:32 AM, McLerran, Dennis <mclerran.dennis@epa.gov> wrote:

> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** "McLerran, Dennis" <mclerran.dennis@epa.gov>
> > **Date:** August 21, 2016 at 9:25:46 PM PDT
> > **To:** "McLerran, Dennis" <mclerran.dennis@epa.gov>
> > **Subject: Fwd: ID Arsenic Heads Up Note**
> >
> > Sent from my iPhone
> >
> > Administrator:
>
> One additional weekly update below:

Human Health Criteria and Idaho

Idaho recently has completed their multi-year effort to update their human health criteria to address EPA's 2012 disapproval action; their submission of revised WQS to EPA for review and action is expected this fall. The Agency will be considering whether Idaho's selection of input values (e.g., fish consumption rate and cancer risk level) and use in deriving human health criteria will be sufficiently protective, including specifically of tribal consumption. The work we are doing regarding harmonizing treaty rights and the Clean Water Act will be front and center as we look at Idaho's new and revised human health criteria.

Along with the majority of the human health criteria, but on somewhat of a separate track, we have been sorting out Idaho's arsenic human health criteria. The state did not revise their arsenic human health criteria as part of their most recent work in part due to the fact that in 2010 EPA approved Idaho's human health arsenic criteria and did not then take any additional action on Idaho's arsenic criteria in our 2012 action referenced above (i.e. Idaho did not procedurally have an arsenic disapproval to address).

However, in the meantime EPA's 2010 arsenic approval action has been challenged. The Agency recently signed and agreed to the terms of a Consent Decree and Settlement Agreement with Northwest Environmental Advocates. As a part of those terms, EPA agreed to have the Agency's 2010 approval of Idaho's arsenic human health criteria remanded back to the Agency for reconsideration and further action. Upon reconsideration, the Agency finds that Idaho's arsenic criteria (which is based on the SDWA MCL of 10ug/L) are not protective. In accordance with the terms of the Consent Decree, Region 10 is preparing the disapproval letter for issuance by September 15. We are coordinating with the Office of Science and Technology in OW and OGC, and have had conversations with the state so that they are fully aware of our upcoming action on **September 15**. The settlement terms provide a schedule for the separate adoption of new arsenic criteria when our ongoing national reassessment of arsenic toxicity is completed.

Dennis

Dan Opalski

Director

Office of Water and Watersheds

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