IV. - (10)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

Reply to
Attn Of: OWW-131

DEC 0 1 2005

Mr. Gary Aitken, Sr.
Chairman Kootenai Tribal Council
P.O. Box 1269
Bonners Ferry ID 83805

Re: EPA Offer to Conduct Formal Consultation on Idaho Department of Environmental Quality's Proposed Water Quality Standards Revisions to Numeric Toxic Criteria for the Protection of Human Health

Dear Mr. Aitken, Sr.:

The Idaho Department of Environmental Quality (IDEQ) recently proposed to revise and update their human health criteria contained in the Water Quality Standards for the State of Idaho. The proposed revisions reflect EPA's current recommended 2000 Human Health Methodology, which includes a fish consumption rate for the general public of 17.5 grams per day.

On September 7, 2005, IDEQ published the proposed revisions in the Idaho Administrative Bulletin and requested public comment. The comment period closed on October 7, 2005. On November 16, 2005, the proposed revisions were passed by the Idaho Board of Environmental Quality. The rule is expected to go before the Idaho 2006 Legislature in late January 2006 and if approved, adopted at the adjournment of the legislative session. IDEQ would then submit these duly adopted revised water quality standards to EPA for review and action under the Clean Water Act.

During the EPA review process we would like to offer the tribes the opportunity to consult with EPA on these proposed changes to Idaho's water quality standards. Consistent with the EPA Region 10 Tribal Consultation Framework, EPA wishes to learn the views, concerns and perspectives of tribes on the proposed updates to the human health criteria applicable in Idaho prior to EPA's review and action. We have enclosed a document, which contains the proposed language as underlined text and proposed deletions as strikeout text.

Please let us know if the Tribe would like a formal consultation meeting with EPA on this issue, or if this is an issue that the Tribe would prefer EPA staff to work with your staff. EPA's formal review under the Clean Water Act will begin when Idaho submits these revisions to us for approval. Idaho is planning to submit these revisions, once they are duly adopted by the State. This will likely happen in the spring of 2006. For more information your staff should contact Lisa Macchio, the water quality staff lead for the Idaho water quality standards review at (206) 553-1834. If you have any questions, please feel free to contact me at (206) 553-1261.

Sincerely,

Michael F. Gearheard, Director
Office of Water and Watersheds

Enclosure

cc: Toni Hardesty, IDEQ
Barry Burnell, IDEQ
Don Essig, IDEQ
Patti Perry, Kootenai Tribe

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