



Ecology's Testimony

Water Quality Standards

Below are Heather Bartlett's oral comments, given at the Aug. 28 EPA webinar on EPA's proposed changes to the water quality standards in Washington.

Testimony

- My name is Heather Bartlett, I am the Water Quality Program Manager for Washington State's Department of Ecology. I am speaking on behalf of Ecology today – to oppose your proposal to change our state's Human Health Criteria Standards also known as the Fish Consumption Rule.
- Department of Ecology Director Maia Bellon will attend the September 25th hearing in Seattle to present her oral testimony.
- Washington State was *not* consulted on this proposal that uniquely affects *only* our state. So I am here today to represent the voices of those who worked so hard on our state's existing solution and path forward for these water quality standards.
- Since EPA started this process to reconsider its 2016 decision, following a petition from industry groups, we have objected. We've repeatedly objected. And here's why:
 - **We object because:** EPA's actions are illegal under the Clean Water Act, and we have filed a lawsuit to stop EPA's overreach.
 - **We object because:** Today's water quality standards in Washington State are working. For three years we have engaged with businesses, tribes, local governments, and all stakeholders to build consensus on how to implement those standards.

- **We object because:** If you roll back the water quality standards you set for us in 2016, you also roll back a decade of delicate negotiations and hard-fought compromises. Compromises that gave us flexibility on implementation. Compromises that find the balance of allowing industries to make progress toward cleaner water until they can fully meet the new, higher standards.

If you roll back today's standards – you undo those compromises and the flexibility that industries need.

This is why we say changing course now creates regulatory uncertainty.

You put implementation at risk, and invite third-party lawsuits.

And litigation puts any progress on clean water at risk.

- In short, this unwanted and unnecessary change will make it harder for us to achieve the cleanest possible water in our state.
- And we all lose. Everyone who engaged for a decade to create solutions and make compromises – Cities and towns, businesses in need of discharge permits, Native American tribes, the public, the environmental community, and more. Everyone who lives in Washington.
- Here's what our communities and businesses need most: predictability, certainty, and flexibility to continue to meet one of the most critically important water quality rules in our state.
- We don't need different standards. We don't need our communities and businesses spending their time and resources on lawsuits instead of on

progress toward protecting our state's waters.

- Our mission is to focus our time and resources on implementation and helping everyone comply with our current rule... A rule that is working for all of Washington.
- What EPA is proposing is a rule that will not work in our state. It will halt progress on clean water and it will result in years of legal battles. It won't work for communities and it won't work for industries.
- I ask EPA to withdraw this rulemaking and keep the current rules in place.

Thank you