



COLUMBIA RIVERKEEPER
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February 24, 2014

Karla Urbanowicz
Water Quality Division
811 SW 6th Ave.
Portland, OR 97204
IntegratedReport2012@deq.state.or.us

Via Email

RE: Draft 2012 Integrated Report on Water Quality and 303(d) List

Dear DEQ,

Columbia Riverkeeper (Riverkeeper) submits these comments and the attached White Paper to Oregon Department of Environmental Quality (DEQ) regarding DEQ's Draft 2012 Integrated Report on Water Quality and List of Water Quality Limited Waters (303(d) List).

Riverkeeper's mission is to protect and restore the Columbia River and all life associated with it, from its headwaters to the Pacific Ocean. Riverkeeper represents over 7,000 members and supporters in Oregon and Washington and regularly comments on decisions impacting water quality in the Columbia River. Riverkeeper's members boat, swim, and consume fish from the Columbia River and its many Oregon tributaries.

While many Oregonians enjoy fishing and eating locally-caught fish, growing evidence suggests that many fish in Oregon's waterways may contain unhealthy levels of toxic contamination. In response, Oregon recently revised its water quality standards for human health relating to toxic contamination in a proceeding referred to as the "Fish Consumption Rulemaking." These revised standards hold great promise for protecting Oregonians from toxic pollution in locally-caught fish. But unless DEQ takes additional steps to implement these protective new standards, their practical benefit to Oregonians will be very limited.

DEQ should implement the protective standards arising from the Fish Consumption Rulemaking by revising Oregon's 303(d) listing methodology to account for information about the actual amount of toxics in Oregon's fish. Riverkeeper's attached White Paper titled *Achieving Results from Oregon's New Toxics Standards: A Proposal to Revise Oregon's 303(d) Listing Methodology to Include Impairment Listings Based on Fish Tissue Sampling* provides a detailed explanation of the legal and policy bases for revising Oregon's 303(d) listing methodology.

The problem is that Oregon's current 303(d) listing methodology **ignores information on toxics in fish**. Under DEQ's current rule, even if scientific testing shows that fish from a certain river contain extremely high levels of toxic contamination, DEQ will not act to protect that river from toxic pollution. Instead, DEQ's 303(d) listings are based on concentrations of toxic pollutants in the water or on fish consumption advisories issued by the Oregon Health Authority—neither of these criteria reflect the level of toxics in fish tissue that the Fish Consumption Rulemaking deemed safe for Oregonians. Without a change to Oregon's current 303(d) listing methodology, the toxics reductions promised by the Fish Consumption Rulemaking will go largely unrealized.

To achieve real results—less toxic contamination in locally-caught fish—DEQ should revise its 303(d) listing methodology to account for data on toxics in fish tissue. This will result in much-needed water quality recovery plans (*i.e.*, TMDLs) to address toxic pollution from a variety of sources.

Riverkeeper requests that DEQ use the actual concentrations of toxic substances in fish tissue as one of the criteria for 303(d) listing in the 2012 Integrated Report. Riverkeeper is deeply concerned about the impacts of toxics on the Columbia River and on the many Oregonians who eat locally-caught fish. Please contact me at miles@columbiariverkeeper.org if you have specific questions about Riverkeeper's comments. We look forward to DEQ's response and hope that the 2012 Integrated Report and 303(d) List will help create a clean and safe Columbia River.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Miles Johnson', with a long horizontal flourish extending to the right.

Miles Johnson
Clean Water Attorney
Columbia Riverkeeper

enclosure:

- Columbia Riverkeeper White Paper, *Achieving Results from Oregon's New Toxics Standards: A Proposal to Revise Oregon's 303(d) Listing Methodology to Include Impairment Listings Based on Fish Tissue Sampling* (2014).

cc via email:

- Jeff Fisher, Lower Columbia/Washington Coast Branch Chief, National Marine Fisheries Service.
- Dan Opalski, Director, Office of Water and Watersheds, U.S. Environmental Protection Agency Region 10.