



**Department of Energy**  
Washington, DC

August 16, 2002

Fred Leutner, Chief  
Water Quality Standards Branch  
U.S. Environmental Protection Agency (4305T)  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Dear Mr. Leutner:

The purpose of this letter is to provide DOE staff comments to the Environmental Protection Agency (EPA), Office of Water on the draft "Strategy for Water Quality Standards and Criteria: Strengthening the Foundation of Programs to Protect and Restore the Nation's Waters," May 2002. The draft strategy contains strategic actions for the Office of Science and Technology (OST) to over the next seven years to strengthen and improve water quality standards and criteria program.

One concern identified is the term "highest attainable uses" and the discussion of the use of drinking water standards for surface waters that may serve as drinking water sources. The Department urges EPA to proceed with caution in defining "highest attainable use" as different than current or expected use. Decisions should take into account the probability of alternative uses before selecting the "highest attainable use" and in establishing the criteria for such uses.

Issue 4b states that EPA will "evaluate whether drinking water uses have been adopted in water quality standards for source waters where needed and take action if gaps are found." This could be taken to mean that drinking water standards apply to all surface waters. Care should be taken in attempting to identify these "gaps" and imposing drinking water standards on surface waters that currently are not drinking water sources and not designated as a water supply.

Because of the inter-relationship of all of EPA's media specific programs, a thorough analysis should be undertaken to identify the issues involved. EPA should consider a multi-media standard of general applicability. Flexibility should be left for the implementing agencies to apply the standard in a manner that, on balance, is protective and the most cost effective. The regulated community including Federally owned facility managers and industry representatives are valuable resources that should be utilized in developing this strategy.

Many of the nation's non-point source pollution problems require more than water quality standards oversight by Federal, state and tribal water quality agencies. They

require integrated strategies adhering to the principles of a comprehensive national plan such as the principles outlined in the 1998 Clean Water Action Plan or similar regional plans that incorporate the requirements of multiple laws affecting the same watershed.

The narrative section (e.g., page v, section 4-f and page 20, Roles of EPA Offices and Key Partners During Implementation) shows a clear understanding of holistic issues affecting watersheds and how modernized standards can help. In addition to achieving compliance through adherence to strict standards, EPA should consider achieving compliance through shared multidisciplinary efforts so as not to deplete resources. EPA as a partner in the attainment of water quality standards should focus on incentives and leverage resources to solve the needs of the waterbody. During the last few years, the water quality and non-water quality agencies have learned much about each other's programs and responsibilities. Adapting the current standards to reflect the current trends of watershed management is a good place to build on that knowledge.

The draft strategy recommends improved administrative coordination between EPA, National Marine Fisheries Service and Fish and Wildlife Service, including on 45 aquatic life criteria (page 10, item c). This is a significant step and the Department recommends that the process be carried beyond the administrative stage and the cluster of regulatory agencies. DOE favors habitat-oriented fish and wildlife planning and research efforts among the regulators. The Federal, state and tribal land management agencies as well as fish and wildlife management agencies are essential to species restoration.

The draft strategy identifies four strategies to enhance implementation and integration. On page 11, the fourth strategy (item d.) identifies integration of various programs to "harmonize criteria." Integrating programs is a laudable goal and should be accomplished giving appropriate consideration to water uses, value, costs and benefits and so forth. Harmonization of criteria should not necessarily mean use of the same criteria for all programs but should reflect the varying purpose and circumstances of the programs and the bases of their specific criteria through a thoughtful and defensible process that considers unique as well as common program needs and factors.

We appreciate the opportunity to comment on the draft strategy. The designated staff person regarding this subject is Lois Thompson. If there are questions regarding these comments, please contact Ms. Thompson at (202) 586-9581 or by e-mail at [lois.thompson@eh.doe.gov](mailto:lois.thompson@eh.doe.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Wallo III". The signature is fluid and cursive, with the first name "Andrew" and last name "Wallo" being the most prominent parts.

Andrew Wallo III  
Director  
Air, Water and Radiation Division